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THE SOLICITORS' JOURNAL.

LONDON, OCTOBER 1, 1859.

CURRENT TOPICS.

We have before us the details, *In re Wells*, of an examination in bankruptcy, and the subsequent inquiry before the magistrates, and committal of one of the witnesses for perjury, alleged to have taken place whilst under examination before the Commissioner. The circumstances arising out of the above facts have caused no little sensation amongst the legal profession in Bristol. It appears that at the hearing of the petition, Mr. Henderson, solicitor, appeared for the assignees for the purpose of effecting a compromise, and Mr. Edlin, a barrister, instructed by Mr. Stubbs, for a firm in London, to oppose the bankrupt at every point. After this the assignees instructed Mr. Henderson to fall in with the views of the opposing counsel, which was done, and a witness named Battershill, who it was alleged had acted in combination with the bankrupt to victimise the creditors, was, by order of the Court, charged before the borough bench with wilful and corrupt perjury in making a false declaration. Upon this occasion, Mr. Edlin defended the prisoner, and in doing so animadverted strongly upon the conduct of the solicitor for the prosecution, who, it must be borne in mind, was the same gentleman who instructed him to oppose before the Commissioner. Taking advantage of these instructions, and the fact, which it is asserted was known to the learned counsel, that the prisoner had decamped and evaded all possible means of apprehension, till his capture in the Isle of Jersey a short time previous, he characterised the prosecution as "in the highest degree unjust and un-English," and as one which could "not fail to expose those who instituted it to the conclusion, that they abstained from affording the accused an opportunity of explaining." This is exceedingly strong language for an advocate to use towards his professional brethren, without the least provocation, beyond having a bad case to deal with. It reminds us of other counsel, who delight to make up for weak points in their case, by assailing the attorney on the opposite side with wanton attacks upon his honour and integrity. The practice of counsel undertaking to defend both client and adversary, as in this case, especially before the completion of the bankrupt's examination, which was adjourned to October 5th, is highly reprehensible, and must prove detrimental to the best interests of the profession, by destroying that confidence which a client always reposes in his counsel. We trust in future the learned counsel referred to will use more delicacy in matters of this kind, and not, in his zeal for his client, attack honourable and highly respectable gentlemen, who have no other object than to do their duty.

The ultimate disposal of Dr. Smethurst has for some time been a general subject of inquiry. Surely the like amount of interest was never before felt in legal, in medical, and in general circles, as to the fate of so common-place a person. This one Richmond crime has had the effect of dividing society into opposing forces, who have been attacking one another in the columns of newspapers for many weeks, and are but now beginning to tire of the warfare. What a glorious opportunity has occurred for those who have favourite hobbies as to reform in the criminal law. The opponents of capital punishment have rubbed their hands and rejoiced over so clear an illustration of their dogma. Eloquent diatribes have been written at the expense of the Home Secretary, and telling comparisons instituted between the open dispensation of justice in an Appeal Court and the secret reversal of an enlightened city-jury's verdict in the private study in Downing-street!

It has been impossible to avoid calling to mind the once famous case of Dr. Kirwan, during the latter part of this controversy. This criminal was also a man of scientific attainments, and he also was arraigned on a charge of destroying the life of one whom he had sworn to protect. He was very ably defended—if we mistake not—by Isaac Butt, who had not then abandoned the law courts, where he shone a light of the first brilliancy, for Parliament, where he has proved but a minor luminary. The jury, however, said "guilty," and the Judge intimated that he shared in their opinion, and the public outside unanimously endorsed the verdict. Somehow or other, it came to pass that the judge (an able one, but too sentimental and impressible for a criminal judge) communicated with the supreme authority in such a way as to obtain a remission of the capital sentence. Kirwan accordingly escaped the just reward of his misdeeds, and he still lives in the dreary seclusion of Spike Island—a life-convict, let us hope repentant.

The difference between the two cases is, that after the conviction of Kirwan, the presiding judge felt some doubt as to the sufficiency of the evidence, and interfered so as to modify the sentence; whereas in the Richmond case, where the judge was amply satisfied as to the propriety of the verdict, some of the medical witnesses had complicated the case by introducing theories in the prisoner's favour, as only medical witnesses can do. To a conflict of medical testimony many a criminal has doubtless owed his life; but seeing how apt such witnesses are to differ in opinion, it would be a sad thing for society at large were the consequence allowed to be the total escape of the prisoner. Some of the disputants who have taken up the cause of Smethurst, finding that his life is now safe, are disposed to insist, as a matter of abstract justice, that a free pardon shall follow. But it is to be hoped that such counsels will not be listened to for a moment—otherwise a rapid increase in the number of poisoning cases will surely fellow. If the mere fact that there has been a conflict of scientific testimony is to set free the accused, judge and jury notwithstanding, we may be assured that the effect on public morals and public safety will be most disastrous. Hence we conclude that the third course—that adopted in Kirwan's case, will be followed; and that Smethurst's sentence will be commuted into one of penal servitude for life. Such a course may or may not be strictly just to the convict, but at all events it alone can satisfy the public. Using the words of the old maxim, "summum jus," to the prisoner would turn out to be "summa injuria" as regards the nation.

The Gloucester Election Commission has been sitting every day during the week, and several important witnesses have been examined, whose evidence has given a remarkable feature to the inquiry. At the conclusion of the investigation we shall again revert to the subject.

LAW OF EVIDENCE IN THE DIVORCE COURT.

The recent Act of Parliament, enabling a husband or wife to give evidence in support of his or her petition for divorce, or, speaking more accurately, to give evidence in proof of charges of cruelty or desertion, is only another extension of a principle affecting the admissibility of evidence, which has been largely recognised of late years. The principle in question goes to the distinction between the admissibility and the credibility of evidence, which was very much lost sight of by our old scholastic lawyers, in their laudable attempts to preserve the administration of justice free from every species of taint, and to protect the liberty of the subject from every attack, the fairness of which was in any way exposed to suspicion. It was to this jealous feeling, no doubt, that our jurisprudence for so long a time repudiated the testimony of persons who had been convicted of crime, as well as of those who had any pecuniary interest in the subject-matter of litigation, and of every person labouring under any degree of insanity. We have learned, however, the wisdom of not shutting out in every case the testimony of a man who has been convicted upon a criminal charge; and we are now content to allow the jury to say whether on that account he is entirely unworthy of belief, upon every subject on which he may be examined, or what credit, under the circumstances, they will give to his representations. It is now also settled law, that a person suffering from partial insanity—for example, one who is under the influence of some particular delusion, and so far is mad—may, nevertheless, be a witness, if it be shown that he understands the nature and sanctity of an oath." By the 14th & 15th Vict. c. 97, persons in whose behalf any suit, action, or other proceeding may be brought or defended, are rendered competent and compellable to give evidence in civil cases; and a doubt having arisen upon the construction of this enactment, whether it was thereby intended that the evidence of husband and wife should be admissible for or against each other, the 16 & 17 Vict. c. 83, s. 1, was passed to remove such doubt by declaring that the husband or wife of a party is an admissible witness in civil suits. But by the 2nd section, it was enacted that nothing therein should render any husband competent or compellable to give evidence for or against his wife, or any wife competent or compellable to give evidence for or against her husband in any criminal proceeding, or in any proceeding instituted in consequence of adultery. By the 43rd section of the Divorce and Matrimonial Causes Act, the Court has power, if it thinks fit, to order the attendance of the petitioner, and may examine him or her, or permit him or her to be examined or cross-examined on oath at the hearing of any petition, but no such petitioner is bound to answer any question to show that he or she is guilty of adultery, which was in effect adopting the practice of the House of Lords in divorce causes. Notwithstanding this enactment, however, the Court of Divorce has obstinately refused to allow a petitioner to support the petition by his or her own evidence, except in cases in which adultery was not an element, or where the issue was merely desertion or cruelty. The Act, as we have seen, clearly enabled the Court to allow a petitioner to be examined in support of a charge of adultery, and the saving clause with which the 43rd section concludes, is intended not for the *exclusion*, but for the *protection* of the witness. There are many cases in which it must be extremely difficult to procure any direct evidence of the adultery, other than that of the party petitioning; and it seems strange that the Act having conferred the power in these cases of using such evidence, the Court should, nevertheless, have been so averse to it. The recent enactment tends to throw some doubt upon the existence of this power in the Court, for it may be said, why enact that a wife is to be at liberty in a suit for a divorce against her husband, to give evidence of his cruelty or desertion of her, if before the Act she might have given not only such evidence, but also evidence of his adultery? It must, however, be borne in mind that under the Act of 1857, the question whether she should be allowed to give evidence was for the discretion of the Court, which was wont to be exercised only for the purpose of testing, and never of supporting her case; the Court having held in *Weatherill v. Weatherill*, May, 1858, that in a suit for dissolution of marriage, she was actually disqualified from giving evidence even on the charges of cruelty. Now, she can insist upon her right of being examined, except to prove adultery; and we suspect that it will not be always very easy so to separate the evidence of the lesser charge from that of the greater as wholly to exclude the latter while admitting the former. Of course, the power given by the 43rd section of the Act of 1857 still remains; but it is very improbable, after the course of practice which has prevailed for two years on this point, that Sir C. Cresswell or the Court of Divorce will ever make such use of the discretion which the clause gives them as would enable a husband or wife to support a charge of adultery in a petition for dissolution of marriage. Such decisions as *Weatherill v. Weatherill* have compelled Parliament to pass the recent Act, and in another session or two, we shall probably have another Act applying the principle in question to the full extent of making husbands and wives in such suits competent witnesses in every respect, as we, in common with most persons who are not overburdened with veneration for the old theories of inadmissibility, think they ought to be.

The Courts, Appointments, Vacancies, &c.

SUPREME COURT, HONG KONG.

Schaeffer & Co. v. Jardine, Matheson, & Co.—July 16.

This action was brought to recover the value of goods, household furniture, &c, destroyed by fire on December 1, 1858, upon which the plaintiffs had effected an insurance, running on from 1851, in the Alliance Fire Office, for which the defendants' agents, but which was refused payment on the ground that the policy was expressly intended to insure only "no hazardous" goods; and that, as the godowns contained spirits in bulk, and others which, by common usage, were regarded as "hazardous," the policy was consequently void. Besides this plea, there were others which raised merely questions of account, viz as to the rate at which goods destroyed were to be charged, and whether a general policy could be held to protect "wearing apparel," &c., without special agreement. The main point at issue, however, was the validity of the policy, from the plaintiffs having had spirits, and other so called "hazardous" goods upon the premises. It was contended that what was or was not "hazardous" must be defined by the policy itself, and that in the absence of any such defining clause, only universal custom could give the term any restricting effect. It was argued that the plaintiffs having applied for an insurance upon "merchandize," and having afforded the office all the information it sought, and there having been no exception expressed by them to spirits, &c., they were entitled to a verdict.—It appeared that the premium for the policy upon which the claim was grounded, although due in November, 1858, was not actually paid by the plaintiffs to the defendants, until January 29, 1859, after the fire and after Messrs. Jardine & Co. had given notice of refusal to pay the policy; and that by this step it was urged the office had recognised the plaintiffs' claim, and had waived their right to take advantage of any invalidity or disqualification that might have existed. The plaintiffs deposed the general loss of the fire, &c., and Mr. May, superintendent of police, Mr. D. Laprath, and a member of the Parsee firm of D. F. Cama & Co. gave evidence to the effect that Mr. Schaeffer used every means in his power to save the property, &c. For the defence, it was urged that in the general understanding of the mercantile world, and by a custom so universal that every mercantile man ought to be acquainted with, spirits, &c. were held to be "hazardous," and that, consequently, this restriction need not be held to be expressed in the body of the policy, where it is said that only "non-hazardous" goods were insured, and

that spirits, having been one of the articles of merchandise upon the plaintiffs godowns at the time of the fire, the policy was necessarily void. The liability of assurance companies for goods feloniously abstracted by strangers from premises during the confusion of a fire was questioned, and cases cited in support of this opinion. The Hon. J. Jardine and Mr. J. C. Compton was called to prove the common understanding of the mercantile world as to what goods were "hazardous," and his Honour having summed up very carefully, the case was left in the hands of the jury, who returned a verdict for the plaintiffs, the amount to be determined in the master's office. Some remarks were made upon the fact that Messrs. Jardine & Co., although refusing to pay the policy, had, after such refusal, applied for and received the premium for the year during which the fire had taken place.

A rule nisi was afterwards granted on the application of Messrs. Jardine, Matheson, & Co., calling upon the plaintiffs to show cause why the verdict should not be set aside, on the ground of misdirection of the judge.—*China Telegraph.*

INSOLVENT DEBTORS COURT.

(Before Mr. Dowse, Deputy-Commissioner).

In re John Smart.—Sept. 23.

This insolvent was opposed by Mr. Heap, an attorney, who complained that, having let a house to the insolvent, the latter, instead of paying the rent when due, coolly asked, "how much he was to have to go out?"

The DEPUTY COMMISSIONER ordered the insolvent to be discharged in three months from the date of the vesting order.

In re John Wills.

In this case, Mr. *Sargood* applied for the sanction of the Court to an attempt to raise a sum of £11,000 upon the insolvent's estate. Mr. Wills was a proctor, and had been awarded an annuity of £1,463 as compensation for loss of business. That fund was charged to several persons, who had power of sale, but it was thought that if a sufficient sum could be raised to pay off the secured creditors, something might remain for the benefit of the unsecured creditors.

The DEPUTY COMMISSIONER made the order as prayed.

WESTMINSTER COUNTY COURT.

Littlewood v. *The Equitable Gas Company.—Sept.* 27.

(Before Mr. BAILEY and a jury.)

This was an action for the recovery of damages laid at 19*l.* 19*s.* for illegally and without due notice cutting off the supply of gas.

The houses Nos. 74 & 75 in the Strand were occupied by the plaintiff, Mrs. Littlewood, who kept a public-house and tavern, and were supplied by the defendants with gas, not only for lighting, but cooking purposes. In the beginning of 1858, there were arrears for gas due to the company, amounting to £33, which Mrs. Littlewood paid by a cheque on Messrs. Drummond's bank on the 18th October. Three days afterwards, namely, on the 21st October, Mrs. Littlewood received a notice from the company that gas would not be supplied her for the future, except upon a deposit of £5, and a weekly payment of the gas account. She made no objection whether she paid weekly or quarterly, but she objected to the payment of the deposit, especially as her weekly account for gas never exceeded 3*l.*; but as the company possessed a monopoly, they threatened to cut off the gas, and she was forced to comply with their terms; however, the deposit was paid under protest. At length this payment was revisited on the 30th June, when a gas account of three weeks, amounting to 7*l.* 12*s.* 6*d.*, was due. The collector was then informed that only 2*l.* 12*s.* 6*d.* would be paid, as the company had already £5 in hand, and thus the weekly account would be cleared; but the company refused and cut the pipes off. Subsequently the secretary consented to take a deposit of £3, which was paid under protest.

The Judge said, there were arrears, which were paid, and then the company said they would not supply gas unless £5 deposit and a weekly rent were paid. That was done from October, 1858, to June, 1859, and then the plaintiff said, "You shan't have the £5 in advance." The company replied, "We shan't supply you with gas, then;" and they had a right to make their own terms. In the Gas Clauses Consolidation Act, there was no express clause that the company might make any terms which they thought fit. They had a right to fix the terms on which they would supply gas. The Gas Clauses Consolidation Act expressly gave the company the power of cutting off the supply, or making their own terms.

The case was accordingly dismissed.

CENTRAL CRIMINAL COURT.

(Before R. M. KERR, Esq.)—*Sept.* 22.

Robert Westley was indicted for wilful and corrupt perjury, committed in the course of his examination before Mr. Murphy, the Commissioner of the Insolvent Debtors Court. The prisoner kept a boot and shoe shop in Munster-street, Reading, and he ordered goods of the prosecutor to the amount of between £60 and £70, which were duly supplied. He afterwards shut up his shop and left the town, and was ultimately traced to Hackney, where he was sued for the amount, and a verdict given in the superior court for the sum claimed. The prisoner, it appeared, immediately after the action was disposed of, filed a petition in the Insolvency Court, and in his schedule he disputed the debt of Mr. Gilman, and when he was examined by the Commissioner, he swore he had not kept the shop at Reading, that it was the business of his brother, Charles Westley, and that he had merely ordered the goods from Mr. Barnes as his agent; and it was upon these statements that perjury was alleged against the defendant.

Mr. *Metcalfe*, at the close of the case for the prosecution, raised several technical objections to the indictment, some of which the learned Commissioner consented to reserve for consideration by the Court of Criminal appeal in case it should become necessary to do so.

The jury, after a short deliberation, returned a verdict of guilty.

Sept. 23.

John Nicholl surrendered to take his trial on an indictment charging him with converting to his own use a bill of lading for a cargo of coals which he held as bailee, without having the consent of the owner. He was charged under the Bailee Act. After evidence had been given in the case, the learned Judge (Mr. Justice BYLES) summed up, and closed by saying, it would be a material question for the jury whether the only object of the prosecution was to obtain the price of the coals, and if the money had been paid, whether the prosecution would have been heard of? The jury immediately returned a verdict of not guilty. The foreman of the jury said, they thought if such prosecutions as the present were to be sanctioned, any person dealing with bills of lading might at any moment be taken up and charged with felony. The prisoner was discharged.

MIDDLESEX SESSIONS.

(Before Mr. CHEASY.)

WRITING LETTERS TO THE JUDGE.—*Sept.* 27.

On passing sentence on a prisoner for embezzlement, the learned judge observed that he had received letters and documents from persons, whoever they might be, who clearly little understood the position of one filling a judicial situation, and such a course as they had adopted was an error against propriety and good sense. He had an anxious and serious duty to perform in discriminating the sentences to be passed upon heinous convicted of crime, and utterly disregarded the communications he had received. It was not only indecorous, but highly improper for persons to address communications to a judge, upon a matter of which he had to form an opinion upon the circumstances publicly and openly investigated before him, and for the sake of decency he hoped it would not be repeated.

GUILDHALL.—*Sept.* 28.

The further examination of Mr. David Hughes, the bankrupt solicitor, having been fixed for to-day, the court was crowded to excess, the audience for the most part consisting of merchants, professional gentlemen, and others interested in this important inquiry.

Mr. *Pollard* gave an outline of the facts of the case.

Evidence having been given of the entrance made into the bankrupt's premises on the day after the adjudication through a window, and the discovery of the bankrupt's son and a clerk in the act of tearing up documents, and the great confusion of books and papers strewed over the place,

Mr. *Rees*, of the firm of Wilde, Rees, & Humphry, solicitors, said:—Our firm were the solicitors to the executors of Harriet Fencott. I produce a deed of covenant, dated 20th June, 1856, but it is not stamped. I also produce a bond dated the same time, by which the bankrupt undertook to pay a certain sum periodically. I know nothing personally of the contents of that bond, as I do not even know the bankrupt's handwriting.

The attesting witness here proved the execution of the bond, which was to secure £7,430; the penalty of the bond being £14,900.

Mr. *Rees* recalled, said:—The bankrupt undertook by the bond to repay the amount by yearly instalments of £1,000 and

interest. I never saw these documents until the 16th of July, 1858, when I found that one instalment with interest was due, and I called at the bankrupt's office about it. I saw the clerk, Haynes, and asked him for the bankrupt's address, but did not get it. I wrote to the bankrupt on the same day. I never had any answer to that letter, but I afterwards saw Mr. Snow about it. We never got the money. Mr. Silver was one of the executors, and the two letters produced in his handwriting were, I believe, found at the bankrupt's office. They are similar applications for the payment of the money.

Mr. Ebenezer Hunt, of the firm of E. & W. Hunt, Drapers and Furnishers, of 182, High-street, Shoreditch, said:—I am one of the petitioning creditors under the bankruptcy of the prisoner. He has been my solicitor for nearly twenty-four years,—certainly over twenty years. The amount due to our firm by the bankrupt for goods delivered is about £230. On the 23rd or 24th of July, 1858, I called at the bankrupt's office, and asked for a cheque, but did not get one. He has lately held money of mine on call, the same as the joint stock banks do, for which he was to pay me 5 per cent. interest, and he at the present time owes me £300 on my drawing account. In November, 1856, he had in hand money belonging to me to the amount of £4,450, and on the 4th of that month he executed a deed assigning over to me securities consisting of three building agreements and some policies on the life of Mr. Lucas. The latter securities I held when the money advanced was not more than £3,000.

Cross-examined.—I have not realised any of the property under that deed. I am one of the assignees to the bankruptcy, but I do not intend to give up more property than I am compelled. I am not aware that the Dalston estate is properly assigned to me by that deed, as I have heard there is a second charge upon it under a subsequent mortgage which overrides mine.

Mr. W. T. Neve said:—I am a solicitor, and reside at Cranbrook, in Kent. I advanced a sum of £4,000 in 1857, to the bankrupt, which he subsequently paid off. On that occasion the security deposited with me consisted of building agreements on the Dalston estate. In the month of April, 1858, the bankrupt required a further loan of £10,000, which I advanced upon the security of the same building agreements, which he assigned to me by the deed I produce, and I have those agreements still in my possession, and the amount of £10,000 which I advanced upon them remains unpaid. I afterwards discovered that the building agreements had been previously assigned to Mr. Hunt, and, finding he had not registered his assignment, I registered mine, and now claim priority. The two bills of exchange produced, one for £4,000 dated March, and another for £3,000, dated May, 1858, fell due on the 6th of July in the same year, but were not taken up; neither were they renewed, but, as I held collateral security, I told the bankrupt I was going to France, and would let the matter stand over till my return, which I expected would be about the end of the month, and then if he could give me further security, such as I could offer to a client, for £3,000, I would give him time for the other £4,000. I returned at the end of the month, and found the bankrupt had gone to Australia.

Cross-examined.—I and my clients are creditors to the amount of £50,000 on mortgages. I am not sure that the whole of that amount is secured. It depends upon the value of the property whether I shall lose anything or not, but the valuation of the property considerably exceeded the amounts advanced. The valuation was made by our own surveyors, but they might be mistaken.

Re-examined.—One property has been realised, but it fell short of the valuation, the amount of which was £20,000, but it realised only £12,000. It was put up at public auction, and afterwards sold by private contract. That was not a forced sale under the Court of Bankruptcy. The concurrence of the second mortgagee was obtained to sell. I believe the Kingsgate Castle estate sold for more than its valuation.

Mr. Hewitson said:—I am clerk to Messrs. Currie & Co., bankers, Cornhill. The bankrupt had an account with us, and by his pass-book it appears that on the 5th of July, 1858, a sum of £1,000 was placed to his credit as a loan upon a promissory note for £1,500, and his balance at that time was about £2,500. On the 13th of the same month he drew out for his own use £400, on the 16th £430, and on the 17th £150, making £980 out of the £1,000 loan. His balance on the 24th of July, 1858, was only £64.

Mr. Poland.—That, is all the evidence I am prepared with to-day; but on a future occasion I will complete the case I have opened, and adduce evidence in several fresh charges.

The prisoner was then remanded for a week.

Connected with the absconding of the prisoner and his subsequent capture in Australia, and the proceedings taken thereon in the courts of that colony, the *Melbourne Herald*, in a letter, gives the following particulars:—

"The case of David Hughes is one which ought not to pass unnoticed, for the precedent, if it is to be adopted as a precedent, is pregnant with injustice. An Act was passed in 1843, by the Imperial Legislature, 'for the better apprehension of certain offenders' charged with treason or felony. It empowers the chief justice, or any other judge of the superior court of law in a colony, to endorse a warrant sent from England; and such warrant, when so endorsed, is made a sufficient authority to apprehend the alleged offender, and bring him before a magistrate for examination and commitment, till he can be shipped to England for trial. By the third clause, there must be evidence of criminality; and by the fourth clause it is expressly provided that copies of the English depositions may be received in evidence.

"Mr. David Hughes is a London solicitor. He became deeply involved in debt, and then assigned over all his property in trust for his creditors, except £500, which he reserved to pay for the passage and outfit of himself and family to Melbourne. But this sum was afterwards delivered to them. On July 26 he embarked openly for Melbourne, and nearly three weeks afterwards, namely, on the 5th of August, he was adjudicated a bankrupt, being of course about that time in the middle of the Atlantic. An officer was despatched after him with the warrant of Alderman Rose, to apprehend him on the charge of felony, in not surrendering to the Bankruptcy Court, and not being prevented by any lawful impediment. The police-officer on his arrival obtained the Chief Justice's endorsement of his warrant, and then apprehended Hughes, and carried him before Mr. Sturt, by whom he was committed till he could be shipped for England. All these steps seem to have been perfectly in accordance with the act, with, however, one most important exception. The Chief Justice admits that he backed the warrant without reading the evidence that accompanied it. Mr. Sturt did read the evidence, but clearly did not understand it. Hughes was brought before the Chief Justice on his writ of habeas corpus, and Sir George Stephen applied for his discharge on the very reasonable ground that the evidence for the prosecution itself proved that surrender was impossible, for it proved the alleged offender to have been some 3,000 miles at sea when the adjudication was made, and consequently knew nothing about it. How Mr. Sturt could possibly have overlooked this, is a mystery; the discovery, however, that no offence had been committed, and no criminality attached to him, came too late, the practice of the Court, it seems, allowing of no objection, except such as may appear on the face of the return to the writ or of the warrant. Thus it follows by the ingenuity of the law, that a man already proved to be innocent must be transported to the antipodes, leaving a wife and nine children to starve, in order that his innocence may be again established by a different process! If this be not gross injustice, we know not what is. But this is not all. Mr. Hughes is in such a critical state of health that the medical men think the passage will be fatal to him; he has already been confined in a hospital for a month, and was discharged without cure. Should he die on board ship, we know very well what will be said in England, when all the circumstances will be known by this mail. It will prove a second edition of the Barber tragedy. All I can say at present is, that if such a practice be really "according to law," the sooner such a cruel law is repealed, the better. At present, however, it seems that a man is liable to be transported on a charge of felony, simply because the charge is made, though the evidence in support of it proves its falsehood. With such law, if it be law, who is safe? If it be not law, what can our Judges and magistrates mean? I am happy to add that the Solicitor General has promised a full and severe investigation of the matter."

ALDERMANATION OF JUSTICE.—R. C. is charged at the Mansion-house with an indecent assault upon a lady in an omnibus. He denies the charge, alleging that both his hands were occupied, one with a bag, the other with an umbrella, and that if the lady was indecently assaulted it was by the umbrella, not by him. He further represented the improbability of his being guilty of such conduct in an omnibus full of passengers, and brought forward witnesses to prove the respectability of his character. The adjudication was as follows:—The Lord Mayor: "That an assault was committed I have not the slightest doubt. You allege that it was accidental. Whether it was so or not I cannot myself determine; but, as the evidence as to the fact of the assault has not been in any way impugned, the defendant must be fined. I shall not send him to prison, nor

for trial. He must pay a penalty of £2." It seems to us that if the Lord Mayor could not decide whether the alleged assault was accidental or not, he was not competent to deal with the charge at all, for the intention is everything in a case of this kind. A bishop might accidentally touch a lady so as to alarm her delicacy, but would any magistrate, not being a mayor, find him guilty of an indecent assault, because the fact that the touch was accidental was not susceptible of proof? The punishment, too, impeaches the judgment. If the man was guilty he deserved either a heavier fine, or the disgrace of committal. A fine of £2 to a man in good circumstances was too little for a gross outrage, and too much for an inadvertent motion.—*Examiner.*

THE STATE PAPERS.—It is stated that the Master of the Rolls has entrusted to Mr. W. B. Turnbull, barrister, the duty of calendaring the foreign State Papers, the most important perhaps of all the various documents in his Honour's custody. The *Athenæum*, questioning the correctness of the report, ventures to make the following observations on the fitness of the learned gentleman to undertake this most important office:—"That this rumour is incorrect we venture to conclude from the very nature of the facts. If anybody and the Crown had appointed Cardinal Wiseman to write the history of our English Church, or charged Dr. Cullen to pronounce a final decision on the Irish Board of Education and its system of secular instruction, we should be justified in expressing some doubt. Neither of these would be more singular than the appointment of Mr. Turnbull to calendar the foreign correspondence of the sixteenth and seventeenth centuries. These papers contain the history of religion in England. Mr. Turnbull is not only a Papist, but a pervert. They record the progress of the great ecclesiastical strife between England and Rome; Mr. Turnbull believes that in all that quarrel England was in the wrong. They describe the Wars of the Armada, the War of independence in Holland, the Thirty Years' War; in all which events Mr. Turnbull believes the action of this country to have been deplorable, undutiful, and false. They abound in particulars of those writings and treasons of the Jesuits which made them formidable to the peace of the family and that of the state; Mr. Turnbull holds the Order of Jesus, to quote his own words, "in the highest honour, veneration, and esteem." They preserve for us multifarious information relative to those priestly plots which the Government of Elizabeth crushed with a strong hand; Mr. Turnbull thinks the Queen, Council, Parliament, and people of England barbarous and malignant in the use they made of this preservative power. They contain many allusions to the miracle impostures by which the Roman priests preserved their ascendency over ignorant and fanatical minds. Mr. Turnbull professes a devout conviction that "desperate and deadly diseases" were really cured by touching with a martyr's relics. Mr. Turnbull has himself declared his views on all these points in his Memoirs of Father Southwell. We only know of them from this memoir. Apart from this fanaticism, Mr. Turnbull may be an amiable and a learned man. But with these opinions before us in black and white, we ask, is it possible to believe that Sir John Romilly can have seriously thought of setting a gentleman afflicted with this violent antipathy to the course of English history and to the cherished convictions of his countrymen, to compose the State Papers for them into a religious history of England?"

THE ELECTION OF LORD MAYOR.—On Thursday, Mr. Alderman Carter was elected Lord Mayor of London, having been selected by the Court of Aldermen from the two names suggested, the other candidate being Mr. Alderman Cubitt. Alderman Carter belongs to one of the oldest trading families in the city, and he has filled the respective offices of common councilman, sheriff, and alderman, for eighteen years. Mr. Carter is also possessed of considerable scientific knowledge, and was appointed, with Sir David Brewster, as an adjudicator at the French Exhibition in 1855.

THE ELECTION OF SHERIFFS.—Mr. Alderman Phillips, and Mr. Alderman Gabriel, have been elected sheriffs for the ensuing year, and have respectively appointed Mr. Eagleton, solicitor, of 84, Newgate-street, and Mr. Charles Gammon, solicitor, of Cloak-lane, their under-sheriffs, who have taken their oaths in the usual way.

SHERIFFS' "SALARIES."—They realise from the City about £1,000 during their year of office, but the amount varies because the source of the allowances varies. The outgoings of the office may be fairly reckoned at four times the amount received. Therefore, if Mr. "Pennywise" will put aside say £4,000 at his bankers to sustain the dignity of his office, and then present himself to the citizens, they will no doubt reward his confidence and give him an opportunity of making a small hole in his fortune.—*City Press.*

THE DIVORCE COURT.—In the new Act, "To make further Provision concerning the Court for Divorce and Matrimonial Causes," there is a clause which will shortly come into operation. The Court will sit before term, and then, in any petition presented by a wife praying that her marriage may be dissolved by reason of her husband having been guilty of adultery coupled with cruelty, or adultery coupled with desertion, the husband and wife respectively shall be competent and compellable to give evidence of or relating to such cruelty or desertion.

THE CASE OF DR. SMETHURST.—The Home Secretary has come to no decision upon the point whether there shall be a commutation of the sentence of Dr. Smethurst. The delay which has been occasioned arises from the fact that circumstances have transpired which lead to a suspicion that there are other cases of a serious character against Dr. Smethurst, which the police have received instructions to investigate.—*Globe.*

The resignation of Sir Chapman Marshall has been accepted, after a service of twenty-eight years to the corporation.

Notes on Recent Decisions in Chancery.

(By MARTIN WARE, Esq., *Barrister-at-Law.*)

POWER OF LEASING—DETERMINABLE LEASE.

Edwards v. *Milbank*, 7 W. R., V. C. K., 651.

There appears to be some conflict of authority on the question whether a power to lease for a specified term, for instance twenty-one years, is well exercised by a lease for twenty-one years determinable by the lessee at the end of a shorter period. It has been indeed held, and seems to have been conceded in the present case, that a lease for such a term determinable at the option of the *lessor* would be good, but it was contended that the same rule did not apply to a *lessee* because such a lease was detrimental to the remaindermen, by encouraging the tenant to exhaust the farm and to leave it at the shorter period. Lord St. Leonards, in his "Treatise on Powers" (Vol. 2, p. 359, App. No. 19), is clearly in favour of the validity of the execution, and there are no English decisions against it, but the tendency of the Irish courts has been to consider such an execution a fraud upon the power. In the present case, where the lease was for twenty-one years, determinable at seven or fourteen years, at the option of the lessee, the point was distinctly decided by *Kindersley*, V.C., in favour of the execution. In giving judgment he remarked that some of the judges appeared to confound the reasons why such a lease was not within the power with the reasons why it was not wise to exercise that power. The arguments used were certainly forcible why a tenant for life might not think it expedient; but the question was, whether those objections were so strong as to be applicable to all cases, so that on the construction of such a power as this it could be said that it was never meant to grant such a power. The mischief chiefly referred to was in Ireland, where it was said a tenant might exhaust the land before the expiration of seven years, and then throw it up; but that reasoning equally applied to a case where it was for seven years only. His Honour therefore decided that the lease was valid, and there seems no good ground for doubting that this view of the question is the correct one.

STATUTE OF LIMITATIONS—LEGACY CHARGED ON REAL ESTATE.

Bright v. *Larcher*, 7 W. R., L. J., 658.

The facts of this case were complicated, and more than one point was discussed in argument; but the question of most interest, and the only one which was really decided by the Lords Justices, related to the time within which the legatee of a pecuniary legacy charged upon the testator's real estate can bring his claim, when the real estate cannot be immediately made available as assets. The testator gave a legacy to the plaintiff, and then gave his real estates to trustees upon trust to pay an annuity of £50 to his housekeeper, and upon trust as soon as one of his nephews should attain the age of twenty-one, to sell the same, and apply the proceeds of the sale, and also the proceeds of his personal estate, subject to the payment of the annuity, upon certain trusts. The testator, according to the plaintiff's construction, charged the legacy on the blended fund of personalty and realty. The testator died in 1832, his eldest nephew came of age in 1839, and the trustees then

sold the real estate, and invested the proceeds; but the dividends were entirely absorbed by the annuity, so that until the death of the annuitant, which happened in 1856, there was no part of the real estate practically available for the payment of the legatee. He therefore waited till the death of the annuitant, and then filed his bill, alleging that the personal estate was insufficient for payment of his legacy, and claiming to be paid out of the proceeds of the real estate, which had been set free by the ceasing of the annuity. On the plaintiff's own showing, however, his claim was deficient, because he did not make the personal representative of the testator a party, nor did he bring satisfactory evidence to prove that he could not have obtained payment of his legacy, or at least of part of it, out of the personal estate. On this ground the Lords Justices decided the case. *Knight Bruce*, L. J., without giving an opinion whether the legacy was charged on the blended fund or not (about which there was some difficulty in construing the will), said, that at all events the personal estate, if not the only fund, was the first fund chargeable. There was no personal representative of the testator before the Court, but there was evidence of the amount of personal estate, from which it was impossible to come to the conclusion, that the personal estate, if properly administered, was not sufficient to pay a part at least of the legacy. Their Lordships were, therefore, of opinion that the suit failed, and under the circumstances they refused to give the plaintiff leave to amend his bill by making the personal representative of the testator a party to the suit, and putting more clearly before the Court the state of the assets.

It cannot be denied that this decision leaves open a curious question, what would have been the result if the suit had been properly framed, and it had been clearly proved that it was impossible for the legatee to have got anything from the personal estate, or had the real estate been the primary fund for its payment. The point in fact turns on the question when the legatee's right first accrued. For on the one hand it may be said, that he could have no claim till the death of the annuitant, who had absorbed the whole annual produce of the real estates; and on the other hand, that his charge was immediate on the death of the testator, and that the deficiency of the annual produce was only accidental, and made no difference as to his duty of enforcing his charge before the expiration of twenty years. (See *Davies* v. *Nicholson*, 6 W. R. 790).

Notes on Recent Cases at Common Law.

(By JAMES STEPHEN, Esq., *Barrister-at-Law, Editor of "Lush's Common Law Practice," &c., &c.*)

LAW AS TO THE OWNERSHIP OF UNDERGROUND AND PERCOLATING WATER.

Chasemore v. *Richards*, 7 W. R., Dom. Proc., 685.

Lord *Wensleydale*, while concurring, though with hesitation, with the other members of the Court in affirming the judgment both of the Court in which this action was commenced, and of the Exchequer Chamber, observed that the present case was of the greatest importance, requiring the most full and attentive consideration. "No question," observed his Lordship, "that has occurred in my time has been so worthy of the most careful examination." The point on which the House of Lords had to decide, was as to right of the owners of soil to *under-ground* water—there being, as to this subject, two conflicting authorities—viz. the case under appeal and that of *Dickinson* v. *The Grand Junction Canal Company* (7 Exch., 282). The case under appeal—so far, at least, as its legal effect is concerned—arose thus:—A. was the occupier of a certain mill, and he and the preceding occupiers had immemorially used, as of right, the flow of a river which passed the mill, and the stream thereof, above the mill, had always been partly supplied by the rainfall of the surrounding neighbourhood. B., a neighbour, living a quarter of a mile from the river, had sunk, on his own land, a well, by the pumping of which some of the underground water was diverted and intercepted, which would otherwise have contributed to the force of the river, by which subtraction the value of the plaintiff's mill was diminished. This state of facts raised the simple question, whether A. had a right to prevent B. from sinking a well in his own ground at a distance from A.'s property, whereby, from the absorption of water percolating in and into B.'s ground, A.'s property should be damnified. The action to try this question was originally brought in the Exchequer, and that Court decided that it was impossible to reconcile such a right with the natural and ordinary rights of land owners, or to fix to its exercise any reasonable limits. The establishment of such a right, for instance, would interfere with, if not wholly prevent, land drainage; and, as an example of its indefinite and unlimited character, if recognised at all, it might be argued, that, though the sinking of a single well were not actionable at the suit of a neighbour, because the absorption of underground water thereby occasioned was not sensible in its effect, yet that if several wells were sunk in the same locality by several land-owners, then the united absorption of water thereby occasioned would produce an injurious effect, and be a proper foundation for an action; and yet the suit could not be maintained either against such landowners jointly or against any one in particular, as it would be impossible to say by whose well the injury was produced; which is a sort of *reductio ad absurdum*, as every wrong has by law its remedy. Influenced by these and similar considerations, the Court of Exchequer gave judgment for B., and this was in due course supported in the Court of Error. The plaintiff, on the other hand, had all along depended on the language held by the Court of Exchequer, in the case of *Dickinson* v. *The Grand Junction Canal Company*, above referred to, to the effect that they were of opinion that, at common law, the defendant by digging a well and pumping, and thereby diverting underground and percolating water from the plaintiff's mill, had rendered themselves liable to an action. The House of Lords, however, in the present appeal, following a distinction pointed out in the court below, observed, that the same rules of law did not prevail with respect of water flowing in visible channels (as to which see *Embrey* v. *Owen* (6 Exch. 353), and water oozing through the soil, more or less, according to the amount of rainfall; and they intimated that, had this distinction been properly borne in mind, the law would not have been laid down as it was in *Dickinson* v. *The Grand Junction Canal Company*. Hence it may be collected, that the true legal proposition on this subject is as follows. With regard to all streams of water flowing through a man's own ground, he has, *primâ facie*, a right to the unobstructed use; but his right to the use of such water as percolates or oozes through his soil is qualified only, and is overborne by the right of his neighbour to the full use and enjoyment of his own property, according to the spirit of the maxim, *cujus est solum, ejus usque ad cœlum*.

It may be remarked, that in a work of authority (Roscoe's "Nisi Prius," by Smirke & Prentice, p. 519), it is laid down, that though no action lies where from a natural stream partly fed by surface drainage (as by the overflow of ponds), such sources of supply are diverted or stopped, yet that the diversion and detention at the spring-head of a stream flowing in a defined channel is actionable; and "so also where a natural river was supplied by underground water, which was withdrawn from or prevented from flowing into the river by the digging of a well, a mill-owner on the river may sue for prejudice by such abstraction. But *in some respects*, unseen underground waters are not on the footing of open streams. Thus the water of a well of A. may be lawfully abstracted by a well or pit dug by B., unless A. can claim by some prescription or grant." The present case makes the cited passage inaccurate, both with respect to the abstraction of underground and percolating water being actionable, and also as to the qualified right of a land-owner to the water on or beneath his soil depending on prescription or grant; for to the extent that it exists at all, it appears to depend on common law and jure naturæ.

The Law of Attorney or Solicitor and Client.

(By J. NAPIER HIGGINS, Esq., *Barrister-at-Law.*)

PROCEEDINGS BEFORE JUDICIAL TRIBUNALS.

(*Continued from page 871.*)

Attorney's lien on deeds, papers, &c., continued.—"This lien of a solicitor," Sir E. Sugden continues, "is of modern origin, and it should be placed within due limits. It prevents the client from defeating the right of the solicitor, as far as the costs have been incurred, but it does not prevent the client from selling or mortgaging the property, or a creditor from obtaining a judgment which will bind it. The counsel would not deny that a purchaser or a mortgagee would prevail over the lien as to the costs after the sale or mortgage. It was admitted that, at all events, the solicitor after notice of the transfer would lose his right to future costs. But it was contended that a judgment-creditor had no right to the deeds. I have already stated my opinion on this point, as regards a purchaser or a mortgagee; and I observed that a prior judgment creditor would take precedence of both; it would be the same

with a lease. Can he then be postponed to the solicitor? How could that be arranged? Here, it is said, there was no sale or mortgage, which is true; but to get at the principle I must suppose the case. But the judgment creditor, as standing alone, has a right to bind the estate specifically, which cannot be defeated. He may sue out an elegit; he may obtain a receiver independently of the Receiver Act (5 & 6 Will. 4, c. 55) in this country; he may maintain an ejectment; he may redeem a prior mortgage; and after the death of the conveyor, he may here file a bill for a sale."

I have thus quoted at length from his Lordship's judgment in this case, not merely on account of the particular decision, but also because I know of no other reported judgment to be found in which the whole law of a solicitor's lien on deeds is so fully and lucidly discussed.

The lien of a solicitor on title deeds gives him no interest in the estate to which they relate. His right is merely passive, and cannot be enforced by suit. *Stedman* v. *Webb* (4 Myl. & C. 348); *Dozon* v. *Bolland* (Id. 354). The law simply enables him to work out satisfaction of his claim against his own client, by the inconvenience to which he is subject by the detention of his deeds, upon which the conclusion is founded that the right of the solicitor is good only as against his own client: and this holds good equally whether the interest of the party claiming adversely to the solicitor is legal or equitable. *Smith* v. *Chichester* (2 Dru. & W. 393); *Blunden* v. *Desart* (Id. 405); *Molesworth* v. *Robbins* (2 Jo. & L. 358); *Pelly* v. *Wathen* (7 Hare 361; 1 De G. M. & G. 16).

A deposit of the title deeds by a mortgagor with his solicitor, with a view of creating a lien, does not defeat the right of the mortgagee to the possession of them. *Smith* v. *Chichester*, supra, a decision of Sir Edward Sugden, when Lord Chancellor of Ireland, in which he dissents altogether from the decision in *Bernard* v. *Drought* (1 Moll. 38), where a lien was established against an annuitant, whose annuity was prior to the deposit. In *Young* v. *English* (7 Beav. 76), where a mortgagor who had borrowed the title-deeds from an equitable mortgagee, to enable him to sell the property, handed them to his solicitor, in order to complete, and the mortgagee acquiesced in the sale, it was held that the solicitor had a lien on the deeds, but only for his costs of the transaction, and not for his other claims for costs against the mortgagor; but where pending a suit to foreclose, the title-deeds of the mortgaged premises were delivered up by the mortgagor to his attorney, for the purpose of procuring a loan of money, it was held that the attorney had no lien upon them for his costs in that transaction, as against the mortgagee: *Hutchinson* v. *Joyce* (2 Jones, 192). In *Ogle* v. *Storey*, however (1 Nev. & M. 474; 4 B. & Ad. 735), a mortgagee's attorney having possession of the title-deeds, was held to have a lien upon such deeds for costs due to him from the mortgagee; but see the observations of Sir E. Sugden on this case, ante 870. But the attorney of an intended mortgagee has no lien as against the mortgagor for the costs of preparing the mortgage, upon deeds delivered by the latter to the former, and by him handed over to the attorney, for the purpose of investigating the title; *Pratt* v. *Vizard* (5 B. & Ad. 808).

Where a client employed a firm of solicitors, and then they took a new partner, upon which the client also employed the new firm, and in the course of such subsequent employment, papers belonging to him came into their possession, Sir L. Shadwell, V. C. E., held, that the old firm had no lien on the papers for costs due to them before they took the new partner; *in re Forshaw* (16 Sim. 121). In a subsequent case, however, Sir James Wigram came to a different decision on the same point, and held that a solicitor does not lose his lien for costs, upon documents which, having come into his own possession, are afterwards continued in the possession of himself and partners; *Pelly* v. *Wathen* (7 Hare, 351; 1 De G. M. & G. 16); but a solicitor does not acquire a lien for costs due to himself solely, upon documents which came into the joint possession of himself and his partners.

And where an attorney has a lien upon the papers of two persons jointly, the Court will not try the rights of the parties, by directing to whom they shall be given up upon the lien being satisfied: *Duncan* v. *Richmond* (1 Mooco, 99; 7 Taunt. 391).

Where a solicitor who was employed in the general administration of a testator's estate by the administratrix, was also directed to carry on a creditor's suit for the administration of the assets, and a decree being obtained a receiver was appointed, it was held that the solicitor had a lien for his costs on the deeds which came into his possession for general purposes, as well as for those of the suit, prior to any general creditor of the estate; *Warburton* v. *Edge* (3 Jur. 166).

A lien on deeds or papers in a cause is not equivalent to, nor is it in the nature of a charge upon a fund in the cause; *Molesworth* v. *Robbins* (2 Jo. & La T. 371). Thus in that case, the solicitor, who had a lien on deeds evidencing the title of his clients to a charge on real estate, was ordered to bring in and lodge the deeds, without prejudice to his lien, and the land being sold, it was held that the lien was not transferred to the sums decreed to be paid to the clients in respect of the charge.

Although the Joint Stock Companies Winding-up Act, 1848, s. 29, authorises the Master to require every person to produce documents relating to the company which are in his possession, without any express reservation of the rights of lien, the Court will not interfere to destroy or injure the lien of solicitors, nor adversely order the production of documents on which they have a lien; and, therefore, in *Potter's case* (1 De G. & Sm. 728), where the Master had made an order on solicitors, who claimed a lien on documents in their possession as against the company, to *deliver them up* to the official manager, the order was discharged. If the order had been merely for the production of the documents for the purposes of evidence, it is not so certain whether it could have been successfully resisted; for it has been held, that the lien of a solicitor on documents does not relieve from the necessity of *producing* them for the purposes of evidence. Upon the distinction between an order for the production of documents for the purposes of evidence, and one which would have the effect of taking them altogether out of a solicitor's possession, Sir J. Romilly, M. R., in the recent case of *Hope* v. *Liddell* (20 Beav. 438; s. c. 7 De G. M. & G. 331), thus observes: "A solicitor's lien must be the same whether he is the solicitor in the cause or is a mere witness, and in a cause it is a matter of daily experience, notwithstanding a solicitor has a lien on the papers in the cause to compel their production. Why should his rights in respect of his lien be different when he is called upon as a witness to produce papers in his possession for the purpose of justice? The only question now is, whether the lien of a solicitor on a deed can entitle him to prevent its being given in evidence in this cause. I think not. There is a marked difference between the rights of a mortgagee and that of a solicitor having a lien on papers. The mortgagee has no lien on the deeds; he has a charge on the land. At law, he is the owner of the estate; the deeds evidence his title to the property, and the Court, therefore, will never compel him to produce the evidence of his title until his claims have been paid. But a lien on deeds does not affect, and is not a charge upon, the property; it affects merely the parchment or the paper which happens to be in his hands." But the person who has created the lien, or those claiming under him, cannot compel the production of documents which are subject to the lien (see per Turner, L. J., 7 De G. M. & G. 331). It appears, however, that whenever a client is bound to produce a deed for the benefit of a third person, so also is his solicitor; though the latter may have a lien on it for costs against his client; *Furlong* v. *Howard* (2 Scho. & Lef. 115). In *Re The Cameron's, &c., Railway Company* (25 Beav. 1), in the winding up of the company it became necessary to inquire into the circumstances of an agreement and lease between one of the promoters and the company, and his solicitor was called upon as a witness to produce them, which he refused to do on the ground of lien and of professional confidence. Sir J. Romilly, M.R., considered that the first ground was untenable, inasmuch as the solicitor did not claim against the company any lien; and the solicitor could have been required, by a subpœna duces tecum, to produce the documents on behalf of the company, although he claimed a lien on them, as against other persons.

Where a title-deed was in the hands of a bankrupt's solicitor, it was held that the assignees were not entitled to compel the solicitor to produce or give an attested copy of it, on paying him only that portion of his costs relating thereto; *Ex parte Underwood* (1 De Gex, 190). "How," said the chief judge (Sir J. L. K. Bruce), "the case might have stood if the documents in question had been documents belonging to a cause, or any proceeding in a court of justice, I do not say. . . . This is simply a title-deed, and with regard to a title-deed, I am of opinion that bankruptcy makes no difference, and that the rights of the assignees are no higher than those of the bankrupt. The solicitor stands substantially in the situation of a solicitor discharged, not by his own act, not by his own choice, or from his own fault. . . . If a client is entitled to say to his solicitor, 'Give me a copy of my title-deed, and I will pay for it,' and is at the same time at liberty to decline paying the solicitor's bill of costs, the lien of the solicitor may be worth little or nothing."

Attorney's lien on fund in court.—We have seen that an attorney's lien on deeds, papers, &c., gives him a right to retain them as a security, not only for the amount due for the particular business in respect of which they came into his hands, but as a security for all that the client owes to the attorney for professional business; see ante, p. 855. But whether an attorney's lien for costs, on a *fund in court*, is general, or is confined to the costs of the particular suit, has been very much discussed. One obvious distinction between the two cases is, that in the former, as the attorney has actual possession of the papers; they cannot be taken from him unless by an order of the Court: while in the latter, the fund is not in the attorney's possession, and the Court or the client may deal with it, without reference to any claim for lien on the part of the attorney. Indeed, where the fund is in court, or where the alleged subject of the lien is some property to be recovered in the cause, it is obvious that at best the attorney can only have a constructive lien, or some right in the nature of a lien.

In *Worrall* v. *Johnson* (2 Jac. & W. 214), Sir T. Plumer, M.R., entertained doubts as to the extent to which a fund in court is liable to the solicitor's demand, although he did not question the right of lien which the solicitor had on papers, in respect of costs due to him in his professional character from the client generally. In that case, however, it was unnecessary to decide the general question; but the Court there held that where a solicitor has in his possession, and has a lien on, the instrument upon which his client's right to a fund rests, he has a general lien on the fund. In that case, a mortgage deed on which the money recovered was due was put by the client into the hands of his solicitor, and, therefore, if there had been no suit, the mortgage money could not have been received without discharging the solicitor's general lien on the deed, for all that the client owed him. "Whether," said his Honour, "the money is paid with or without a suit can make no difference, the attorney having on the faith of the instrument, and of the money due on it, engaged in various business, and forborne proceedings to enforce payment. The circumstance of the suit being carried on to a compromise, to a judgment, or a decree, cannot deprive him of the lien that he has by virtue of the possession of the deed"—in other words, where, in a suit a solicitor has been instrumental in realising a fund for his client, which could only be done by means of a deed belonging to the client, on which the solicitor happens to have a lien, according to this decision the lien will be extended to the fund which is so obtained.

The first reported case in which the question as to the right of a solicitor to have a general lien against his client for costs, beyond those of the suit in which the fund is, was *Lann* v. *Church* (4 Madd. 391), where a solicitor petitioned that a sum decreed to his client, the plaintiff in the cause, might be applied in discharge of the solicitor's costs in that cause, and also in payment of other costs, not costs in that cause, due to him from the plaintiff. Sir John Leach, V. C., desired the case to stand over that he might inquire into the petition; but a compromise having been effected, he subsequently stated that he had not found a case in which it had been held that a solicitor had any lien on the fund recovered in a cause, except for his costs incurred in such cause.

The case of *Bozon* v. *Bolland* (4 Myl. & Cr. 354), is one of the most important decisions on the subject which we are at present considering; and we find that in that case Lord Cottenham in his judgment, and also in *Stedman* v. *Webb* (4 Myl. & Cr. 346), questioned the doctrine laid down in *Worrall* v. *Johnson*, and enforced that which was intimated in *Lann* v. *Church*. In *Bozon* v. *Bolland* the question was whether, where a solicitor having in his hands a deed belonging to his client, has produced it in a suit, and the client has, by means of the deed so produced, established his title to the fund which was the subject of the suit, the solicitor is entitled to a lien upon the fund so recovered for the amount of his costs generally, or only for the costs of that suit. The question, it will be seen, is almost in terms that which Sir T. Plumer answered in *Worrall* v. *Johnson*. The fund was the fruit of a deed in the possession of the solicitor, without the production of which the fund could not have been realised. Lord Cottenham considered, however, that Sir T. Plumer, in that case, did not sufficiently keep in view the distinction between the solicitor's lien upon the fund realised in the cause and his lien upon, or rather right to retain, his client's papers in his hands; the latter being merely passive, while the former, as his Lordship held in *Bozon* v. *Bolland*, was a lien which the solicitor was entitled actively to enforce. There, the client had ceased to employ the solicitor in the cause, and "having the deed in his possession, he might have withheld the use of it, and if it was essential to the client, might by these means have compelled payment of his general professional demand. But it would have been at the option of the client to purchase the use of the deed at that price or not. This option, however, was not tendered to the client, but the solicitor produced the deed as evidence in the cause, and now contends that a decree could not have been obtained without such production, that the fund has been realised by the production of the deed, and that he is, therefore, entitled to the same lien upon the fund so realised as he had upon the deed. Whether the production of the deed was essential to obtaining the decree is disputed, and I have no means of determining that point without rehearing the cause. But suppose it were so, what right had the solicitor by his own act to create for himself a lien upon the fund to be realised? A man who has in his possession a document necessary to enable another to establish his title to a sum of money may perhaps be enabled to make an advantageous arrangement with the party wanting the evidence of the document, but if he voluntarily, without any agreement, produces the document, he cannot afterwards fasten upon the sum recovered for a remuneration. The solicitor's claim upon the fund has been called transferring the lien from the document to the fund recovered by its production; but there is no transfer, for the lien upon the deed remains as before, though, perhaps, of no value; and whereas the lien upon the deed could never be actively enforced, the lien upon the fund, if established, would give a title to payment out of it. The active lien upon the fund, if it exists at all, is newly created, and the passive lien upon the deed continues as before. If the doctrine contended for were to prevail, the lien of a solicitor upon the fund realised would in most cases extend to his general professional demand, and not be confined, as it always is, to the costs in the cause; for it must very generally happen that the plaintiff's solicitor has in his hands the documents necessary to establish his client's title to the money. Assuming that upon such document he has a general lien for all his professional demands, he voluntarily produces it, by which the title to the fund is proved, and by so doing, according to the doctrine contended for, a lien upon the fund is established for all those demands. I find no authority for this but the case of *Worrall* v. *Johnson*, and not being able to reconcile that case with any sound principle, I cannot follow it." Lord Langdale, in *Lucas* v. *Peacock* (9 Beav. 177), follows Lord Cottenham's decision in *Bozon* v. *Bolland*; and now the former is also an express authority for the proposition that a solicitor's lien upon a fund in court is not a general lien, but that it extends only to costs in the cause, and costs immediately connected with it; as, for instance, the costs of successfully protecting a solicitor's right to the costs in a cause.

In *Sympson* v. *Prothero* (5 W. R. 814), the object of the suit was to establish a lien for costs due to the plaintiffs as attorneys. The plaintiffs had acted as attorneys for P., one of the defendants in the suit, as plaintiff in an action against Z., another defendant in the suit. They had also acted as solicitors for P., who was a defendant in a suit brought by Z. for the purpose of restraining proceedings in the action. In this last-mentioned suit, £500 was ordered to be paid to P. by Z., and also £100 for his costs at law. The plaintiffs (solicitors) claimed a lien upon this money for their costs, and accordingly served a notice on Z. not to pay P. Subsequently, an order was obtained at common law, under the provisions of the Common Law Procedure Act, ordering Z., as garnishee, to pay the money to judgment creditors of P. But Wood, V.C., held that he was bound to regard the manner in which the money had been recovered, and to allow the plaintiffs to have their reward out of the fund recovered; and therefore declared that the plaintiffs were entitled to a lien for the costs and charges due to them as attorneys and solicitors in the action and suit.

Where, on a bill for discovery in aid of a defence at law, an injunction was granted on terms, one of which was the payment of money into court, and an answer was afterwards filed, and the action at law being subsequently tried, a verdict was found for the defendant, it was held that the defendant in equity had a lien on the fund, for the costs of the discovery; *Irving* v. *Viana* (2 Y. & J. 70.)

(*To be continued.*)

THE PARIS POLICE.—The Paris police are at the rate of about one to every 360 inhabitants. They are relieved on duty every six hours, and may be said to be especially on the alert all night. The first night-watch commences at eight, and as it, therefore, terminates at two, the force is greatest at the hour when surveillance is most needed, since those coming on and going off duty are all stirring.—*Realities of Paris Life.*

Communications, Correspondence, and Extracts.

MARRIED WOMEN'S REVERSIONARY INTEREST.

To the Editor of THE SOLICITORS' JOURNAL AND WEEKLY REPORTER.

SIR,—As I presume there is at present no judicial decision which affords an answer to the inquiry made by your correspondent, "a Perpetual Commissioner," as to whether a county court judge, can take a valid acknowledgment of a deed executed by a married woman for any of the purposes of the 20 & 21 Vict. c. 57, perhaps I may be allowed to express an opinion on the subject.

The Act 20 & 21 Vict. c. 57, which enables married women to dispose of reversionary interests in personal estate, enacts, that "every deed to be executed in England or Wales by a married woman for any of the purposes of this Act shall be acknowledged by her, and be otherwise perfected, in the manner in and by the Act 3 & 4 Will. 4, c. 74, &c., prescribed for the acknowledgment and perfecting of deeds disposing of interests of married women in land," and by the County Court Amendment Act (19 & 20 Vict. c. 108, s. 73), it is enacted, that any acknowledgment to be made by any married woman of any deed, under the Act of 3 & 4 Will. 4, c. 74, may be received by a county court judge.

The chief question appears to be, whether the acknowledgment of a deed by which a married woman disposed of her reversionary interest in personal estate would be considered to be made under the Act 3 & 4 Will. 4, c. 74, or under 20 & 21 Vict. c. 57. I apprehend there can be little doubt but that such acknowledgment would be deemed to be made under the former Act, in which case it would be clear that a county court judge would have power to take the acknowledgment.

I think your correspondent is not quite correct in saying, that the power of a county court judge is "limited to taking the acknowledgment of any deed *made* under the Act 3 & 4 Will. 4," as the County Court Amendment Act does not confine the judge's power to cases where *the deed is made* under the Act 3 & 4 Will. 4, but it gives him power in all cases where the *acknowledgment* is made under that Act, whether the deed itself be under the Act or not.—Your obedient servant,

26th September, 1859. J. P. S.

CERTIFICATES OF ACKNOWLEDGMENT BY MARRIED WOMEN.

To the Editor of THE SOLICITORS' JOURNAL AND WEEKLY REPORTER.

SIR,—Upon settling the sale of a small freehold a few days since, where the vendor's wife was a necessary party to bar her dower, the solicitor for the purchaser objected to bear the expense of the certificate of acknowledgment by vendor's wife, contending that in the absence of any provision in reference thereto by the conditions of sale, the costs of obtaining and filing the certificate must fall on the vendor.

I shall be glad to know from any of your conveyancing readers what is the rule and practice upon the point, and to be referred to any cases as a guide in future, not liking to clog unnecessarily conditions of sale.—I am, Sir, yours most obediently, A SUBSCRIBER.

24, Essex-street, Strand, 30th September, 1859.

THE LAW AS TO STRIKES.

Lord St. Leonards has contributed the following concise summary of the present laws as to workmen's strikes and combinations:—

"The masters consider the proceedings of the building trades' unions wholly inconsistent with the law, which was framed with a jealous regard to the interests of the working man. The Act of Parliament (6 Geo. 4, c. 129) which repealed all the former laws relative to the combination of workmen, states that combinations interfering with the free employment of capital and labour are injurious to trade and commerce, dangerous to the tranquillity of the country, and especially to the interests of all who are concerned in them. The object of the Act is then declared to be to make provision as well for the security and personal freedom of individual workmen, in the disposal of their skill and labour, as for the security of property and persons of masters and employers.

"The Act then makes the following offences punishable by imprisonment not exceeding three months, with or without hard labour; viz.—Where any person shall by violence to the person or property, or by threats, or by intimidation, or by molesting, or in any way obstructing another,—

"1. Force or endeavour to force any journeyman, manufacturer, or workman, or other person, to depart from his hiring, employment, or work, or to return his work before it is finished;

"2. Or prevent, or endeavour to prevent, any journeyman, manufacturer, workman, or other person not being hired or employed, from hiring himself to or from accepting work or employment from any person or persons;

"3. Or for the purpose of forcing or inducing any other person to belong to any club or association, or to contribute any common fund, or to pay any fine or penalty; or, on account of his not belonging to any club or association, or not having contributed or having refused to contribute to any common fund; or to pay any fine or penalty; or, on account of his not having complied, or his refusing to comply with any rules, orders, resolutions, or regulations made to obtain an advance or to reduce the rate of wages, or to lessen or alter the hours of working, or to decrease or alter the quantity of work, or to regulate the mode of carrying on any manufacture, trade, or business, or the management thereof;

"4. Or shall force or endeavour to force any manufacturer or person carrying on any trade or business to make any alteration in his mode of regulating, managing, or carrying on such trade, manufacture, or business, or to limit his number of apprentices or the number or description of his journeymen, workmen, or servants."

But the Act provides—

"1. That any persons may meet together for the sole purpose of consulting upon and determining the rate of wages or prices upon which the persons present at such meeting, or any of them, shall require or demand for his or their work, or the hours or time for which he or they shall work in any manufacture, trade, or business; or may enter into any agreement, verbal or written, among themselves, for the purpose of fixing the rate of wages or prices which the parties entering into such agreement, or any of them, shall require or demand for his or their work, or the hour or time for which he or they will work in any manufacture, trade, or business."

This relates to the men.

"2. The like powers are conferred upon the masters in regard to consulting upon and fixing the rate of wages or price, and the hours of time of working—each class, masters and men, are subject to the same law.

"By a later Act, 22nd Vict. c. 34, passed to protect the working man, it is provided that no one, whether in actual employment or not, shall, by reason merely of his entering into any agreement with any workmen, or other person or persons, for the purpose of fixing, or endeavouring to fix, the rate of wages or remuneration, at which they, or any of them, shall work, or by reason merely of his endeavouring peaceably, and in a reasonable manner, and without threats or intimidation, direct or indirect, to persuade others to cease or abstain from work, in order to obtain the rate of wages or the altered hours of labour so fixed or agreed upon, shall be deemed or taken to be guilty of 'molestation or obstruction' within the meaning of the former Act, and shall not, therefore, be subject to prosecution or indictment for conspiracy. But it is provided that nothing contained in this later Act shall authorise any workman to break or depart from any contract, or authorise any attempt to induce any workmen to break or depart from any contract."

THE USE OF THE SEAL.

(From the United States *Monthly Law Reporter.*)

"Ratio est legis anima, mutata legis ratione mutata est lex."

The use of the seal as a legal formality is of very ancient date. An invention of an unlettered age, it has outlived all other formalities of contemporaneous origin, growing like it out of the necessities of the time, which have been used to symbolise or solemnise legal acts; and continuing in use, even when as far back as the time of Blackstone, it was thought that the reasons for it had ceased by the possession of the more enlightened art of writing.* No other formality ever had so universal use. Traces of it are found in the history of every nation, where distinct rights to private property have been recognised. In the common law, it has been made the general test of the character of legal obligations, the source of their general division into simple contracts and specialties, the differences of the legal nature and

* Com. Vol. 2, p. 305.

treatment of which form an unimportant or easy part of a legal education.

But it is only a form; and where forms and ceremonies are regarded with so little favour as in this country, it is not surprising that there has been a disposition to allow it to fall into disuse here, and to disregard the distinctions of which it has been the source.

The inquiry, therefore, proposed here, is, whether the use of the seal, according to the statute requirement, is longer needed or defensible, whether the reason of the law being changed, the law itself may not be repealed.

It will not be contended that the reasons for its origin are now in force, or, if they are, that the present character of the seal satisfies them. As has been said, its origin sprung from necessity; it was an expedient of the time. Its object was the identification of the owner or the person using it.*

"The method of the Saxons," says Blackstone,† "was, for such as could write, to subscribe their names, and whether they could write or not, to affix the sign of the cross, which custom our illiterate vulgar do, for the most part, to this day keep up, by signing a cross for their mark, when unable to write their names." "In like manner," says he,‡ "and for the same reason, the Normans, a brave but illiterate nation, at their first settlement in France, used the practice of sealing only, without writing their names, which custom continued when learning made its way among them, though the reason for doing it had ceased;" and it cannot be doubted, considering the then character of the seal, and the laws concerning its forgery or unlicensed use by another than its owner, that, as such an instrument of identification, it was successful;—it then had a distinctive character. "When sealing was the principal formality," says Burrill,§ "in the execution of instruments, the seal used by a donor or grantor was emphatically and literally *his*. It was his private seal, bearing some peculiar device by which it was known, so that the deed or charter upon which it was impressed was, by that circumstance, known to have been executed by him." Blackstone also says: "In the reign of Edward I., every freeman, and even such of the more substantial villeins as were fit to be put upon juries, had their distinct, particular seals."‖ Other evidence that such was its character is gathered from the method taken to secure themselves from imposition in case of the loss of a seal: as in one of the Clause Rolls of Edward I. it is reported that one Henry De Pergount came into court and publicly declared that 'he had lost his seal, and that if any instrument should be found sealed with that seal after that date, it was of no value or moment." And Bretton says that it was customary in such cases, "to have public notice of the loss given in churches and market-places;" a method of caution much similar to our public notice of the loss of negotiable instruments.

It cannot be said that the seals now in use have this distinctive character, or that they are of use for the purpose of identifying the person using them, in the least. Probably not one in a thousand bears a distinguishing mark or feature; even it is well established that many persons signing may use the same seal.¶

A scrawl or flourish of the pen for this purpose is much better, as a moment's reflection will show, and in a majority of the States is now substituted for it;** though whether it is to be taken as a seal with the legal distinctions attending it, is left to be gathered from the intention of the parties in the instrument,†† which must be the only true and safe test of the character of an instrument; all others being necessarily purely accidental. "To reject this safe and reasonable rule of considering the character of an instrument, as the parties to it did, however venerable the wax-seal for its antiquity, which has been exploded by nearly all the States, would be to reject the light of experience and modern advancement for the maxim of a barbarous and unenlightened age."‡‡

It has been urged for the use of the seal, that it is an evidence of deliberation; that it requires time to affix it, and so argues solemnity, &c. Words pass from man to man more lightly and inconsiderately, but when the agreement is by deed, there is more deliberation; for when a man proposes a thing by deed, first, there is the determination of the man to do it, and upon that he causes it to be written, which is one part of deliberation; and afterwards he puts his seal to it, which is another part of deliberation; and lastly, he delivers the writing as his deed, which is the consummation of his resolution. So that there is great deliberation used in the making of deeds, for which reason they are received as final to the party, and are judged without examining upon what cause or consideration they were made."*

But is this metaphysical argument sound? It supposes that the instrument or deed is written and the seal affixed by the hand of the signer, which every conveyancer knows not to be the fact in the vast majority of cases; then it takes no longer to sign with than without a seal; and is the mind always deliberating upon the effect of a purely mechanical labour of the hands? or, if so, why not require two seals? It would insure so much more deliberation. Or if the length of time occupied in its execution is the measure of the validity of an instrument, then it may be judged at once according to its length or rapidity of penmanship!

But we do not think that these reasons for the use of the seal would now be urged; the briefest glance at them will at once show their absurdity.

Yet, leaning towards a conservatism, which allies to itself a feeling of safety at least, it were better to allow it to remain, than, abolishing it, fly to "evils we know not of," unless some good reasons can be shown for such an act.

Its abolition would be a step towards that uniformity so essential to convenience and encouragement of international commerce, and in matters of legal forms and practice the several States sustain the relation of foreign nations; a step toward that general harmony of law which, says Mr. Chief Justice Story, "would elevate the policy, subserve the interests and promote the common commerce of all nations."†

The States that have abolished the waxen seal are now much in the majority, and there is no intimation that they or justice have suffered by it, or that it will again be made a statute regulation and requirement. A brief glance at the reports will show how much inconvenience and litigation has grown out of the want of uniformity in this particular.‡ Every practical lawyer almost has had experience of them.

It is a mere formality; and as such, a multiplier of proofs, increases the liability to mistakes as it increases technicalities, and renders the path to justice more intricate and perilous. In New Hampshire,§ the statute still requires wills to be sealed, strangely enough, in that branch of jurisprudence where everything is professed to be left to be gathered from the language of an instrument, and the widest scope of construction allowed in obtaining the intention of the testator.

"It would be strange, indeed," says an eloquent writer, arguing the case between the waxen seal and scroll, "if a court should now say a man must lose his land or money because the grantor had put an ever-enduring character as his seal, instead of a smear of paste, wafer, wax or gum!"‖ But so it has been and must be decided under the present statute requirement.¶ Mistakes must occur until all men are educated technical conveyancers in this matter; because the statute requires what is neither suggested by the nature of the act, nor seen to be essential to its validity.

It may be objected that the abolition of the seal would take with it the entire distinctions between simple contracts and specialties;** too much to risk for the object. It might be so, if, as the general definition of specialties intimates—that they are only characterised by the seal—were the fact; but with the seal are usually associated acknowledgment and attestation, which are without doubt strong evidences of good faith and fair dealing.

It is not now proposed to speculate upon what would be the effect of abolishing all distinctions in courts of law, between contracts, and applying to all the same rules of construction and tests of faith; and yet we have always doubted whether many sound reasons can be adduced why one should be entitled to more credit than another, when the difference is only in form. Why may and ought not the consideration of a contract under seal be examined as well as one without or not

* See Law Dic., title "Seal;" See Hilliard on Real Prop., vol. 2. p. 205.

† Hilliard's Abr., vol. 2, p. 293; 5 Cushing, 350; 7 N. H. Rep. 230; Perkins, sec. 134.

‡ See Kent's Com., vol. 4, p. 453.

§ 2 Gil and Johnson, Thrasher v. Everhart, Clay's Digest, 198.

‖ 1 M'Lean's Rep. 462.

¶ Jewett, &c. "Specialties."

* Conflict of Laws, sec. 645.

† Cases in point: 2 Caines, Rep. 362; 4 Cowen, 508; 6 Peters, 261; 1 Bos. and Pul, 360.

‡ N. H. is the only State now requiring wills to be sealed; see 16 N. H. Rep. 393.

§ 4 Mass. 445.

‖ 4 Kent's Com., 453.

¶ Griffith's Annual Law Register, vol. 2.

** Griffith's Annual Law Register, vol. 2.

under seal? Is it less likely to be oppressive, inequitable or *mala fide*? On the contrary, are they not more likely to be of this character, as it is known that in this form investigation would be precluded?

Adopting then the maxim of the common law, which has justly extolled "the application of the dictates of natural justice and of cultivated reason to practical cases," that "ratio est Legis anima," &c., the case is submitted whether the use of the seal in its present character is longer defensible.

LORD TEYNHAM'S SYSTEM OF REGISTERING PARLIAMENTARY VOTERS.

Lord Teynham has addressed to the Northern Reform Union the following letter. His Lordship says:—

"Should the reformers of the United Kingdom be agreed that every adult male, able to read, is entitled to a vote, our next inquiry is as to how he is to maintain and claim his right?

"It is not my intention, however, to write on the machinery of a Bill, either in this or in any future communications with which you may permit me to trouble you. That there may be an outline of reform before the country, I write only on the principles that should guide us.

"When the law requires a certain amount of property or outlay, possessed or made for a given time that a man may become a voter, we say such an one has a qualification. With us the mature Englishman, being the voter, is himself the qualification. Noble, intransient state!

"The qualification, according to existing law, being exterior to the man, when he loses it by sale or change of residence, and finds himself politically nothing, he may readily submit to delay before he becomes firmly fixed on the register again, ere once more he breathes a constitutional life.

"The qualification being the man, when he is, then it is; where he is, there is it.

"Let a man prove to the registrar that he is of age and can read; let him give his residence, his employment or condition and, if there be one, his employer, and he is forthwith a voter; at once he is prepared directly to influence his country's faith and conduct.

"If he change his residence, let him renew his registry at his present abode; the registrar writing to his former place that it may be cancelled there, the new registry not taking effect until such cancelling is certified.

"The registry would be closed for the purposes of transfer, but not for residents coming of age, on the day that the warrant is issued for an election, and until it has taken place.

"It should be self-supporting; perhaps sixpence, or at most a shilling, would have to be paid each time the name is inserted.

"He that is thus deemed worthy in himself, everywhere and always, to scan the fitness of one who offers to represent him in the Commons House of Parliament, bears in his own bosom an incentive, additional to all others, further and further still to seek to render himself meet to be called a man.

"As the consideration that an ability to read is an essential part of the voter's qualification cuts off, alas, at present, not a few from the register, yet both with the hope that it will induce many at once to learn, and prevent very many more from growing up to manhood in ignorance, so requiring the voter to register a residence excludes all habitual vagrants, with the design that unwillingness to bear such additional disgrace will recover some, at least, from such an unprofitable and unhappy course of life.

"It shuts out, too—one is grieved to think of them and it—the houseless, homeless poor, in hope that a reformed Parliament will find means much to curtail the numbers of such great sufferers, if it cannot in our large cities obliterate the class.

"I have the honour to be, yours faithfully,

"TEYNHAM.

"Mr. R. B. Reed, Hon. Sec. Northern Reform Union."

RESTORING FADED WRITING.—Mr. Alfred Suce, the chemist, writes to explain how the letters of the "Northern" the writing of which has been obliterated by sea-water, may be restored:—"The letter should be lightly once brushed over with diluted muriatic acid, the strength as sold as such at all chemists' shops. As soon as the paper is thoroughly damped it must be again brushed over with a saturated solution of yellow ferruginate of potash, when immediately the writing appears in Prussian blue. In this latter operation plenty of the liquid should be employed, and care must be taken that the brush be not used so roughly as to tear the surface of the paper."

The Provinces.

CHESTER.—*Removal of the Assizes.*—It is said that at the next quarterly meeting of the magistrates of Cheshire, to be held at Knutsford, the question relating to the proposed removal of the assize courts from Chester to Knutsford will again brought forward for discussion.

IPSWICH.—*Coroners' Inquests.*—In the month of March a proposal was brought before the county magistrates, at Ipswich, for altering the mode of summoning the coroners, by transferring the duty from the parish constable to the police, with a view to check the holding of inquests unnecessarily, and to save expenses. At the Trinity Sessions the report of the committee to whom the subject had been referred recommended that the proposed transfer should be made, that the fees to constables for summoning, &c., should be abolished, and that the notice to the coroner should be sent in a printed form by post, registered, unless the urgency of the case, or other reasons, made personal summons desirable, in which case the actual expenses incurred should be repaid. The coroners of the county have subsmitted a statement to the clerk of the peace, in which they demur to the legality of this proceeding; and though it has been held by the Court of Queen's Bench that the appointment of parish constables at all since the passing of the Compulsory Police Act is discretionary with the magistrates, we are by no means satisfied of the policy of the alteration.—*Bury Post.*

KIDDERMINSTER.—*The Representative.*—The return of Mr. Bristow, solicitor, M.P. for this borough, was celebrated yesterday week with great éclat. Business was completely suspended in the town, and the streets were everywhere crowded. He was cordially welcomed by the Mayor and other gentlemen, and a procession escorted him through the various principal streets of the town. Afterwards an address was delivered to Mr. Bristow by a deputation from the Non-electors' Reform Association, and a public banquet was given in the evening, in the Music-hall, which was attended by nearly 800 persons.

PRESTON.—*The Consumption of Smoke upon Railways.*—At the Police Court last week a case of considerable importance to railway companies was brought before the Bench, by the Rev. J. O. Parr, vicar of Preston, against the East Lancashire Railway Company. The Rev. gentleman, whose residence is situated close to the company's line, at Preston, stated that on the 22nd of August his attention was directed to an engine, from which a black cloud was emitted from the chimney, and unquestionably the engine was not consuming its own smoke. Mr. Grundy, for the company, admitted that the engine in question belonged to the company, but denied the jurisdiction of the Court in the case, and quoted the 145th and 147th sections of the Railway Clauses Act, in order to show that the onus lay with the engine-driver and not with the company. The engines of the company were all constructed on the principle of burning their own smoke, and provided with the best apparatus known for consuming smoke. In cross-examination, however, it was elicited that the closing of the furnace door, and one or two other circumstances, would prevent the burning of the smoke.—The Bench were unanimously of opinion that the engine was not constructed so as to consume its own smoke, according to the Act of Parliament; and they must therefore inflict a penalty of £5.—Mr. Grundy said the company's solicitors took a different view of the case, and the decision of the magistrates would be reviewed either in a case to be prepared for the Quarter Sessions or for the Court of Queen's Bench.

Ireland.

THE CLERKSHIP OF THE CROWN FOR CAVAN.

The recent death of Mr. S. Swanzy, solicitor, who had been Clerk of the Crown for the county of Cavan for nearly a quarter of a century, having rendered vacant that preferment, the Government have recognised the merits and long services of Mr. H. J. Rae, of the office of the Crown Solicitor for Dublin, and have appointed that gentleman to the vacant post. It must be explained that the Dublin Crown Solicitorship is a kind of hereditary or transmitted possession of the Kemmis family, who by no means perform all its duties in person. Hence Mr. Rae has been for many a long year known to the profession and the public as the individual performing most of the hard work of the office. When a few years ago Mr. Kemmis the elder retired, many persons thought that Mr. Rae had a good claim to succeed him; but, somehow or other, the reversion of the place had

been secured for Mr. Kemmis's son, a junior member of the bar. It will be recollected that this incongruous appointment of a barrister gave rise to the utmost dissatisfaction among the entire body of solicitors.

We are sorry to remark that one of the Dublin morning journals hints broadly that as Mr. Rae's claims were overlooked by a former Government, the present Government were not bound to make him reparation, and, in fact, ought rather to have passed him over again, and have conferred the place on one of their political partizans. The paragraph in question is to be deplored as tending to keep alive the worst part of a traditional policy which has disgraced Ireland for many years, and which we hoped had given way to purer principles of selection. There are still lawyers and journalists, too, styling themselves "liberal," who regard legal appointments as the exclusive rewards of political zeal, and not as employments to be conscientiously offered to the persons most able to fill them with advantage to the state. Until fitness for office becomes generally regarded as the first consideration, and persons are chosen, as Mr. Rae has been in this instance, without regard to their politics, there is no hope of justice being perfectly administered in Ireland. From the highest judge to the lowest constable, appointments have too often been made chiefly on the score of party services, not by one but by many successive governments; and the bar and the journals, instead of deprecating, have encouraged this bad system. Hence it is not strange that from an impure spring, tainted streams have issued. The law has not been duly respected, and, as one of the consequences, crime has too often remained, and too often yet remains, undetected and unpunished.

INSPECTION OF LUNATIC ASYLUMS.

The ninth report of the inspectors of lunatic asylums in Ireland, has just been completed by Drs. Nugent and Hitchell, and submitted to the Lord Lieutenant. The duties performed by these inspectors appear to have been well discharged, and their acquaintance with, and interest in the whole subject of lunacy is no doubt very great; and if the number of asylums visited by them is but small, and no instances of abuse or wrong-doing have been traced and reported on by them, it is the fair way to conclude that were the asylums more numerous, they would be equally well inspected, and also to presume that did abuses exist, they would have been discovered and duly commented on in the report. The lunatic population of Ireland appears to be about 14,000, of whom a large proportion are located in public asylums, both central and district, and in gaols. In public institutions of these kinds 4,539 lunatics are confined; while in the poorhouses of Ireland there are found to be 2,120 persons of weak mind. According to the returns furnished by the constabulary, there are 1,179 similar unfortunates at large, and 4,262 more are living at the homes of their friends. Thus, no more than about 450 persons (the remainder) are located in private asylums in Ireland; and as instances of cruelty and of unjust confinement are usually found to occur in private asylums, the energy and vigilance of the inspectors has but little scope for its exercise, being probably confined to the dilapidated suburban village of Finglas, where most, if not all, of the private asylums are to be found. The report, in dealing with the subject of mortality, shows that the average rate of mortality in the Irish asylums, public and private, is lower than it is in either the English or Scotch institutions of the like description. It is stated, that of the deaths which have occurred, eight of them have been of a suicidal, and one of a homicidal character. This fact seems to us to imply that there has been carelessness somewhere, for under proper regulations suicide might surely be rendered an impossibility, or nearly so. Still the returns of the Commissioners of Lunacy in England show a considerable number of these casualties. With regard to the cost of maintenance in public asylums, the inspectors state that it has diminished about four per cent. since the date of their previous report, although the contracts for provisions have been as high as before, and incidental charges have been higher. The entire expenditure in this way is, they say, very much, probably 30 per cent., less than in England, "where, no doubt, the interior fittings and arrangements of hospitals for the insane, being adapted to the habitual comfort of the inhabitants, are more expensive, but considering the social conditions of the two countries, not affording to their inmates greater relative advantages."

It seems that lunacy is very much on the increase in America. We do not gather that such is the case in these Kingdoms, but it would be very convenient were all the annual reports on this and kindred subjects made up to the same date, and published together. Could not the sphere of the judicial statistics office be enlarged, so as to embrace returns of this kind?

Review.

The Statute Book for England. Collection of Public Statutes relating to the General Law of England, 22 Vict. sess. 1, 1859. Edited by JAMES BIGG. London: Simpkin, Marshall, & Co.

Many of our readers are probably familiar with Mr. Bigg's "Statute Book," the plan of which is certainly recommended by simplicity and intelligibleness. Each Act relating to the general law is printed so that it may be easily removed without injuring the volume. When the session is over, amending Acts are printed, with the amending provisions in *italics*, and these are to be inserted in the former volumes containing the original Acts, and instead of such; while in the case of statutes wholly repealed, the fact of such repeal, with a reference to the repealing Act, is entered in a "Table of Statutes," and directions to the binder contain instructions for such Act to be withdrawn. There are also notes referring to previous statutes, of which the following is a specimen:—

"*Defects in Public Statutes.*—The public statutes passed during the last session are erroneous in the following cases: Cap. 14, 'Manor Courts, &c., (Ireland),' sect. 5 of this Act refers to sect. 24 of the '*Summary Jurisdiction (Ireland) Act*, 1851;' this reference is inapplicable; the '*Petty Sessions (Ireland) Act*, 1851' (14 & 15 Vict. c. 93), s. 24, must be the enactment intended to have been referred to. Cap. 19, 'Public Offices Extension;' this Act omits to incorporate the 'Lands Clauses Act' (8 & 9 Vict. c. 18), and thereby the Commissioners are relieved from the liability imposed by sect. 82 of that Act upon parties purchasing land compulsorily, of defraying expenses of verifying title and furnishing abstracts. Cap. 29, 'Pauper Maintenance Act Continuance;' this Act affords evidence of the ability with which the most ordinary enactment may be mystified; the object of the Act is to continue two short sections of previous Acts, and if the enacting clause had been worded as follows—'That sect. 3 of 11 & 12 Vict. c. 110, and sect. 102 of 16 & 17 Vict. c. 97, shall further continue in force, &c.,' the Act would have been intelligible, but these sections are only referred to as 'temporary provisions' (they are not recited) continued by previous Acts; and to ascertain the previous enactments continued by this Act, it was necessary to refer to eleven statutes and to peruse carefully 117 foolscap folio pages. Cap. 35, 'Municipal Elections,' sect. 9, enacts, that if any person wilfully make a false answer to any of the questions mentioned in section *eighteen* of this Act, he shall be liable to three months' imprisonment; *but the Act contains sixteen sections only.*"

Mr. Bigg has shown no little ingenuity and industry in working out his plan of consolidation, and single-handed, and in his own way, has already effected more, perhaps, than all our statute law commissions and their legion of employés; but it may be questioned how far we could practically rely upon the mere dictum of an editor, however laborious and accurate, as to the repeal or amendment of an Act, so as to remove altogether from our statute-book the repealed or amended Act. Neither would one like to be wholly at the mercy of the binder, year after year, for information as to what Acts, or sections of Acts, were in force at any particular time. Subject to these risks, however, Mr. Bigg's plan is recommended by the fact, that its necessary tendency would be, of itself, before long, to excise the mass of obsolete legislation which now disfigures our statute-book, and for the future to keep it within narrow limits, and greatly facilitate its use in legal business.

Obituary.

THE LATE JOHN TWIZELL WAWN, ESQ., J.P.

We regret to state that John Twizell Wawn, Esq., J.P., died at half-past three on the afternoon of the 21st inst., at his residence, West Boldon, in the 59th year of his age, and after a lingering and painful illness. Mr. Wawn was the eldest son of the late Mr. Christopher Wawn, a well-known Shields shipowner, and after serving his articles with Mr. Russell Bowlby, of South Shields, studied for the bar, but having a considerable fortune left him, by his uncle we believe, he did not complete his terms. Mr. Wawn was an active county magistrate for many years, and up to a short time of his death, and has also been a borough magistrate in South Shields since its incorporation. He was exceedingly active in his magisterial duties. Mr. Wawn also represented South Shields in Parliament from 1841 (defeating Mr. Ingham in a contested election that year) until 1852, when he retired.—*Newcastle Chronicle.*

THE LATE CHARLES GIBSON, ESQ., SOLICITOR.—We regret to announce the death of Mr. Charles Gibson, Solicitor, and Town Clerk of Salford, which occurred yesterday week, at his residence, Leaf House, Pendleton. The deceased gentleman, who was fifty-three years of age, was appointed Town clerk of the borough on its incorporation in July, 1844. He had been for two years previously Law Clerk to the Police Commissioners, to which office he was elected as successor to the late Mr. Charles Cooke, who had in his turn been law clerk for about forty years. Mr. Gibson had been in feeble health for upwards of twelve months, and the illness which terminated in his decease had rendered him incapable of attending to the business of his office for nearly four months. The deceased was born at Exham, Northumberland, and was the son of a solicitor. Three of his brothers are also in the legal profession.

THE LATE GEORGE BARLOW, ESQ., J.P.—On Monday morning, about half-past nine o'clock, Mr. George Barlow, Mayor of Oldham, died at his residence at Green-hill. The illness which resulted in the death of Mr. Barlow was of very short duration. He returned from Blackpool last Monday, complaining of being unwell, and becoming worse he took to his bed, and Mr. Halkyard was called in to attend him. The disease with which he was attacked was brain fever. Mr. Barlow had held many public offices in Oldham, extending over a period of about thirty years. He has occupied the positions of commissioner of police, member of the board of guardians, councillor, alderman, and Mayor of Oldham, magistrate for the county and borough, and in each of these offices he has given equal satisfaction to his colleagues and his townsmen. It was Mr. Barlow's intention to have retired from public life upon the completion of his mayoralty, and prior to his appointment he had intimated his wish to withdraw from his official position. His performance of the duties of Mayor has always been characterised by courtesy and urbanity, and as a magistrate no one evinced a greater desire to render justice. The lamented gentleman was in his 54th year.—*Manchester Guardian.*

THE LATE JOHN STOGDON, ESQ., SOLICITOR.—We regret to state that Mr. Stogdon, the well-known solicitor, of Exeter, has been drowned whilst bathing at Dawlish. The friends of the deceased were staying at that town for the benefit of their health, and he had gone down to Dawlish to visit them. He went out to bathe on Sunday morning, the sea being rather rough at the time. He was a good swimmer, and had swam out a considerable distance from the shore. A cry of distress was heard, and two lads swam out, but could not save him. Shortly afterwards his body was washed ashore. Although twenty minutes only had elapsed from the time the cry of distress was heard to the time the body was washed ashore, no efforts to restore animation appear to have been made notwithstanding till a surgeon was on the spot. The deceased was highly and universally respected by his fellow citizens, and by the profession throughout the west of England, and his death has cast a gloom over Exeter.—*Sherborne Journal.*

CRIME IN FRANCE.—The Court of Assize has been occupied two days with the trial of the man Beauchard, aged 24, for the murder of M. Danin, in the Rue d'Enghien, on the night of the 31st of July last. Of this crime a detailed account was given at the time. On the night in question the concierge of the house heard a noise in the office, just above his lodge, of M. Danin, who was director of the Union Commerciale et Industrielle, and he went and roused up that gentleman. M. Danin hurried to the office, but before entering it was met by a man who stabbed him eleven times. He staggered down stairs to the lodge, and expired almost immediately. The office was on the entresol, and the murderer letting himself down from the window got clear off, but he left behind him a poinard-knife, and it was recognised as the property of one Beauchard, who had been in the service of M. Danin. It was evident from the state of the premises that the murderer must have secreted himself over night in the yard of an adjacent house. The guilty party, before entering M. Danin's apartment, had taken off his shoes, and left them in the yard, and they were recognised as Beauchard's. In addition, just after the murder had been committed, a man resembling Beauchard was seen limping along the streets, without shoes, and had himself conveyed to Montrouge in a cab. Beauchard was two days after arrested at that place. He had a sprain in his foot and cuts in his hand, and he could not give any satisfactory account as to how he came by them. These circumstances left no doubt of the man's guilt, and he but faintly denied it. The only matter on which there could be any doubt was his motive for the crime: he vehemently asserted that he had no other than the desire to be avenged on Danin for having formed an improper connexion with his wife, who was in his service, and had remained in it after he (Beauchard) had left; but a drawer, in which Danin was known to have kept his money, had been forced open, and there was reason to believe that a sum of money, though it is not known how much, was abstracted. On being interrogated by the President of the Court, Beauchard answered,—"M. Danin took my wife from me, and to prevent my seeing her not only forbade me to come to his house, but would not permit her to leave it to go to market. This irritated me, and on the 31st of July, on reflecting about the matter, I became exasperated. I several times prayed God to give me calmness, but in vain. Fatal thoughts oppressed me, and I went without reflection towards the house. It is true that I entered the house, and, when once within, I went to my wife's chamber, but she was not there, and I supposed that she was in Danin's. A determination to be avenged then seized me. I looked about for matches to get a light, and in so doing upset some papers in the office. M. Danin came up—I had a poinard in my hand, and the misfortune happened." The President remarked that this statement could not be true, inasmuch as it had been positively ascertained that his wife was in her own chamber on the night in question. The man persisted in saying that he had not gone to the house to rob. A number of witnesses gave evidence as to the excellent character of the prisoner's wife, and the belief in the Court was that his whole story concerning her and the deceased was entirely without foundation. The jury returned a verdict of guilty with extenuating circumstances, and the Court sentenced the prisoner to hard labour for life.

BILL FORGERY.—A singular case of forging bills of exchange occupies public attention here at present, says a Berlin letter. A writing-master named Schultz is known to be the guilty party, but the police have not been able to find him. His superior skill in caligraphy brought him into contact with many persons in the upper ranks, and he accordingly became acquainted with their handwriting, and was able to forge bills in their names without exciting suspicion, as he was always careful to take them up as they fell due, with funds obtained by fresh forgeries. Schultz had also appointed himself to a Government situation, and shewed his commission to everybody. It was that proceeding which led to the discovery of his acts. The amount of his forgeries, so far as known at present, is 20,000 thalers. It is supposed that Schultz is concealed somewhere in Berlin.

A JUDGE ON A TREADMILL.—A story is told of Baron Parke, who, when once visiting a penal institution, inspected the "mill" with the rest, and being practically disposed, the learned judge philanthropically trusted himself upon its treads, desiring the warder to set it in motion. The machine was accordingly adjusted, and his lordship began to lift his feet. In a few minutes, however, he had had quite enough of it, and called to be released, but this was not so easy. "Please my lord," said the man, "you can't get off, its set for twenty minutes, that's the shortest time we can make it go." So, nolens volens, the judge was in durance like Signor Ricciocheo in the stocks, except that he was obliged to keep "moving on" until his "term" expired.—*Realities of Paris Life.*

Births, Marriages, and Deaths.

BIRTHS.

DEMPSTER—On Sept. 23, at 6, Meadow-terrace, Lewisham-road, the wife of R. E. Dempster, Esq., Solicitor, of a son.

HODGENS—On Sept. 20, at Bloomfield, Rathfarnham, the wife of John C. Hodgens, Esq., Barrister-at-Law, of a daughter.

LUND—On Sept. 17, at Belle Vue, Clifton, the wife of Henry Lund, Esq., Barrister-at-Law, of Lincoln's-inn, of a son.

MORRISON—On Sept. 26, at Birkhead's-lodge, Reigate, the wife of M. C. Carter Morrison, Solicitor, of a daughter.

RAWSON—On Aug. 27, at Claremont, near Cape Town, the wife of the Hon. Rawdon W. Rawson, Esq., C.B., Colonial Secretary of the colony of the Cape of Good Hope, of sons.

STORY—On Sept. 24, at St. Thomas-street, Newcastle-upon-Tyne, the wife of Henry Story, Esq., Solicitor, of a daughter.

MARRIAGES.

COOPER—WATERS—On Sept. 21, at St. Matthew's Church, by the Rev. W. Moreau, William Cooper, youngest son of the late Abram Ellithorne, Esq., Solicitor, of Lancaster, to Ann Jane, youngest daughter of the late Mr. James Waters.

FAITHFULL—GRAHAM—On Sept. 17, at St. James's, Paddington, George Faithfull, jun., Esq., Solicitor, of Brighton, to Ellen Louisa, eldest daughter of the late Lieut. Richard John Graham, 73rd B.N.I.

FORBES—PRICE—On Sept. 22, at Trinity Church, Marylebone, by the Rev. Henry W. Burrows, B.D., assisted by the Rev. J. C. Potter, M.A., William Ashburner Forbes, Esq., of the Bengal Civil Service, to Laura Charlotte, only daughter of the late S. Cloete Price, Esq., M.P.

GILL—MONDS—On Sept. 7, at Rivertown Church, Ballymote, Ireland, by the Rev. W. Gill, Vicar of Malew, Isle of Man, father of the bride-

groom, the Rev. Thomas Howard Gill, to Isabella, eldest daughter of Moses Monds, Esq., J.P., Ardagh, Sligo,

HAY—COCKBURN—On Sept. 12, at Edinburgh, William Bremner Hay, Esq., Solicitor, Supreme Courts, to Margaret Spottiswood, youngest daughter of the late John Cockburn, Esq., of Parkhead.

KING—SLADE—On Sept. 37, at St. Mary's Catholic Chapel, Chelsea, by the Rev. R. Macmullen, John Daniel King, Barrister-at-Law, third son of the late Charles King, of Bloomfield-place, in the county of Essex, to Caroline Georgiana, third daughter of Sir Frederick Slade, of Maunsel Grange, in the county of Somerset, Bart., and of the Middle Temple, Q. C.

MARSHALL—BROOKES—On Sept. 20, at All Saints' Church, by the Rev. J. B. Gabriel, William Marshall, Esq., of the Lowells, Solicitor, to Mary, widow of F. J. Brookes, Esq.

REYNOLDS—THOMPSON—On Sept. 22, at St. John's Church, Bury St. Edmunds, Suffolk, by the Rev. H. Rasbdall, Francis Samuel Reynolds, Esq., Solicitor, of this town, and youngest son of the Rev. John Preston Reynolds, rector of Necton, Norfolk, to Arabella, only daughter of the Rev. H. T. Thompson, of the former place.

SANDERSON—COCHRANE—On Sept. 22, by the Rev. K. M. Phin, Robert Sanderson, Esq., of Tweed Mill, to Elizabeth, daughter of John Cochrane, Esq., Chief Magistrate of Galashiels.

SELLORS—CLARKE—At Borrisokane, Michael Sellors, Esq., Solicitor, of Limerick, to Louisa, youngest daughter of the Rev. E. M. Clarke, of Lifford, county Donegal.

SIMON—RUTTER—On Sept. 29, at St. Pancras Church, by the Rev. Allan Swinburn, LL.B., James Charles Fitz Simon, Esq., of the firm of James Fitz Simon & Son, of Bridgefoot-street, Dublin, to Augusta, only daughter of John Champley Rutter, Esq., Solicitor, of 4, Ely-place, Holborn, and 63, Mornington-road, Regent's-park.

STOKER—KRUGER—On Sept. 20, at the Schloss-Kirche, Schwerin, Mecklenburg, W. C. Stoker, Esq., of Gray's-inn-square, to Ida, eldest daughter of Herr L. Kruger, of Schwerin.

DEATHS.

DIXON—On Sept. 19, at Harwood-terrace, Doncaster, Susannah, relict of Marmaduke Dixon, Esq., Solicitor, of Calstor, aged 67.

DONALD—On Sept. 18, at his residence, 163, St. Vincent-street, Glasgow, in his 83rd year, Colin Dunlop Donald, Esq., Writer.

FERRIER—On Sept. 21, at Great Yarmouth, aged 29, Eliza Ann, the wife of Frederick William Ferrier, Esq., Solicitor, eldest daughter of the late William Crick, Esq., of Ditchingham, Norfolk.

FREEMAN—On Sept. 24, at Melksham, Eleanor, second daughter of the late J. N. Freeman, Esq., of Corsham, Solicitor.

GARDINER—On Sept. 21, at Southpark, Campbeltown, Charlotte Georgina, daughter of James Gardiner, Esq., Sheriff-Substitute.

GEORGE—On Sept. 22, aged 72, E. George, Esq., of Plascrion, near Narberth, J. P. for the counties of Carmarthen and Pembroke.

GIBSON—On Sept. 23, at his residence, Leaf-square, Pendleton, in his 54th year, Charles Gibson, Esq., Town-clerk of Salford.

HAMPDEN—On Sept. 24, at 4, Clarence-terrace, Leamington, aged 53, Mary Georgina Hampden, the wife of John Hampden, Esq., and sister of the late Sir Edmund Filmer, Bart., M.P., of East Sutton-place, Maidstone, Kent.

HILLIARD—On Sept. 25, at Cowley Peachey, of bronchitis, after a few days' illness, Lettice Elizabeth, widow of the late Nash Crosier Hilliard, Esq., of Gray's-inn, and only surviving daughter of the late William Hallett, Esq., formerly of Faringdon House, Berks, aged 72.

KENINGHAM—On Sept. 13, at Beverley, Robert Keningham, Esq., for many years a magistrate of that borough, aged 69.

MARTIN—On Sept. 24, aged 50, Richard Caulfield Martin, Esq., Barrister-at-Law.

STOGDON—On Sept. 25, at Dawlish, John Stogdon, Esq., of Exeter, Solicitor, aged 53. The deceased was accidentally drowned while bathing.

VIZARD—On Sept. 26, at Bognor, Marian, the third daughter of William Vizard, Esq., of Wimbledon, aged 20.

WAWN—On Sept. 21, at West Boldon, John Twizell Wawn, Esq., J.P., aged 58.

YOUNG—On Sept. 26, at 21, Arbour-square, Stepney, Marianne Henrietta Maria Louisa, aged 1 year and 5 months, child of Charles Vernon Young, Esq., Solicitor.

Unclaimed Stock in the Bank of England.

The Amount of Stock heretofore standing in the following Names will be transferred to the Parties claiming the same, unless other Claimants appear within Three Months:—

EABLE, HENRY FRANCIS, Esq., Swerford, Oxon, £500 Consols.—Claimed by HENRY FRANCIS EABLE.

GRANT, AUGUSTUS ROMAIN, Esq., Buckingham-street, Strand, £75 : 19 : 6 Consols.—Claimed by AUGUSTUS ROMAIN GRANT.

HORNCASTLE, JOHN, Law Agent, Yews, Furbeck, Yorkshire, £54 : 11 : 5 Consols.—Claimed by JOHN HORNCASTLE.

YOUNG, ADELINE, Spinster, Lower Berkeley-street, Portman-square, £1,000 3½ per Cents.—Claimed by JOHN STUART WEBB, the administrator to the will.

Heirs at Law and Next of Kin.

Advertised for in the London Gazette and elsewhere.

FUSEDALE, ALICE, Spinster, 5, Central-hill, Upper Norwood. Next of kin to appear, within 30 days after the publication of this notice (Sept. 20), or show cause why letters of administration should not be granted to Lucy Pauline Wright. Norris & Allen, Solicitors, 30, Bedford-row.

TIMMINS, MARY (Widow of the late Mr. Henry Timmins, of the London-road, Southwark), who died in the year 1849. Mrs. Mary Timmins, or her daughter, Mary Ann Timmins, or any other person claiming to be her representative or next of kin, to apply to Messrs. Scheman & Neate, Solicitors, 20, Orchard-street, Portman-square.

YOUNG, ANNA, Widow, Frindsbury, Rochester, whose maiden name was Brenzar, and who died on or about April 10, 1851. Next of kin to apply to the Solicitor to the Treasury, Whitehall.

English Funds.

ENGLISH FUNDS.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Bank Stock	..	..	..	221	..	..
3 per Cent. Red. Ann.	..	..	..	..	..	..
3 per Cent. Cons. Ann.	95⅞	95⅞ ⅜	95⅝	95⅝	95⅝	..
New 3 per Cent. Ann.	..	..	..	..	..	..
New 3½ per Cent. Ann.	..	..	..	..	..	..
New 2½ per Cent. Ann.	..	..	..	..	..	79¼
5 per Cent. Ann.	..	..	..	..	..	..
Consols for account	..	95⅝ ⅜	95⅝	95⅝ ⅜	95⅝	95⅝ ⅜
Long Ann. (exp. Jan. 5, 1860)	..	..	..	..	..	..
Do. 30 years (exp. Jan. 5, 1860)	..	..	..	..	..	..
Do. 30 years (exp. Apr. 5, 1885)	..	..	..	..	..	..
India Debentures, 1858	..	95⅜	..	..	95⅜ ⅜	..
Ditto 1859	..	95⅜ ⅜	95⅜ ⅜	95⅜	95⅜	..
India Stock	..	216	..	218	216	..
India Loan Scrip	..	100⅜ ⅛	100⅜ ⅛	100⅜	100⅜ ⅛	101 ⅛
India Loan Stock	100⅜ ⅛	100⅜ ⅛	100⅜ ⅛	100⅜	100⅜ ⅛	100⅜ ⅛
India Bonds (£1,000)	..	6s d	6s d	..	par	..
Do. (under £1000)	..	..	..	..	6s d	..
Exch. Bills (£1000) Mar.	23s 6p	23s p	23s 6p	23s p	26s 28p	23s 6p
Ditto June	..	..	..	..	..	..
Exch. Bills (£500) Mar.	26s p	23s p	23s 6p	..	26s 28p	23s 6p
Ditto June	..	..	..	..	..	..
Exch. Bills (Small) Mar.	26s p	23s p	23s 6p	23s p	26s 28p	23s 6p
Ditto June	..	..	..	..	..	..
Do. (Advertised)	..	..	..	..	..	..
Exch. Bonds, 1858, 3½ per Cent.	..	..	..	..	..	..

Railway Stock.

RAILWAYS.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Birk. Lan. & Ch. Junc.	..	..	..	..	..	..
Bristol and Exeter	..	..	..	99¾	..	99¾
Caledonian	88¼ 7⅞	88 7⅞	88⅛ ⅜	88⅛ ⅜	88⅛	88⅛
Chester and Holyhead	..	..	..	..	..	..
East Anglian	..	..	..	14⅝	..	..
Eastern Counties	56⅛	56⅝	56⅝ ⅛	56⅝	..	..
Eastern Union A. Stock	..	..	..	..	..	..
Ditto B. Stock	..	96	..	..	95⅜ 6	..
East Lancashire	..	..	..	..	..	..
Edinburgh and Glasgow	..	..	..	79	77⅛	77
Edin. Perth, and Dundee	..	..	..	98	97⅛	..
Glasgow & South-Westn.	..	..	..	..	..	..
Great Northern A.	100⅜	101⅛ 1	..	102	102⅛	102⅛
Ditto A. Stock	..	..	..	86	86	..
Ditto B. Stock	..	..	..	131	..	..
Gt. South & West. (Ire.)	..	..	..	..	..	..
Great Western	62⅛	62⅜ ⅜	62⅜ ⅜	62⅜ ⅜	62⅜ 2⅛	62⅜ ⅜
Do. Stour Vly. C. Stk.	..	..	..	..	..	..
Lancashire & Yorkshire	96	95⅞ ⅜	95⅞	96⅛ 6	..	96⅛
Lon. Brighton & S. Coast	112	112⅜	112⅜ ⅜	113	..	112⅜ 13
London & North-Wstrn.	93⅜ ⅜	93⅜ ⅜	93	93⅜ ⅜	93⅜ ⅜	93⅜
London & South-Westrn.	..	..	93	93⅜	93⅜ ⅜	93⅜
Man. Shef. & Lincoln	35	35⅛	..	35⅛	35⅛	..
Midland	105 4⅛	104⅛ 5	..	105⅛ ⅜	105⅛ ⅜	105⅛ ⅜
Ditto Birm. & Derby	..	..	..	..	..	..
Norfolk	..	57	..	57	..	56⅝
North British	59⅛	59⅛ ⅜	..	60⅛	59⅜ 60	..
North-Eastern (Berwick)	..	89⅛	..	89⅛ ⅜	89⅛	..
Ditto Leeds	44⅜	..	..	..	44⅜	..
Ditto York	..	73	..	73⅛	73⅛ ⅜	..
North London	..	103⅛	103⅛	..	..	..
Oxford, Worc. & Wolver.	..	..	..	..	..	..
Scottish Central	..	..	..	115⅛	..	..
Scot. N.E. Aberdeen Stk.	..	..	24⅛	24⅛	23⅞	23⅞
Do. Scotch, Mid. Stk.	..	80	..	..	..	..
Shropshire Union	..	..	..	45 4	..	..
South Devon	..	43⅜	..	43⅜ ⅜	44⅛ ⅜	..
South-Eastern	75⅛ 5	75⅛ 6	76⅛ ⅜	77⅛ ⅜	76⅛ ⅜	..
South Wales	..	..	67⅛	69	70	..
Vale of Neath	..	59	..	..	..	59½

Estate Exchange Report.

AT THE MART.

By Messrs. FLEWS, LEWIS, & TEAGUE.

A Policy of Assurance for £3,000, effected with the Amicable Assurance Society, on the life of a Gentleman aged 74.—Sold for £1,670.

Freehold Ground-rent of £7 per annum, secured upon Nos. 1, 2, & 3, Grove-place, Grove-road, Lower Wandsworth-road, Battersea.—Sold for £140.

By Messrs. DRIVER.

Freehold Dwelling-house, No. 91, Manor-street, New Hatcham, Old Kent-road; let at £19 per annum.—Sold for £185.

Freehold Residence, No. 22, Manor-street, New Hatcham; let at £19 per annum.—Sold for £190.

By Messrs. SURRIDGE & SONS.

Freehold Estate, "Buckwoods," Black Notley, near Braintree, Essex, residence, outbuildings, and 55 acres of land; let at £140 per annum.—Sold for £2,950.

Freehold, "Friday's & Orford's Farms," Great Baster, Masbury, and Chignal, about 6 miles from Chelmsford, Essex, comprising farm-house, buildings, and 129 acres of land.—Sold for £3,100.

Freehold, "Ridden Field," Great Waltham, Essex, containing 7a. 0r. 16p. of land.—Sold for £300.

By Mr. DERENHAM.

Freehold Villa Residence, with garden, coach-house, and stabling, Castle-hill, Maidenhead, Berks; estimated annual value, £65.—Sold for £990.

Freehold Houses, Nos. 3 & 4, South-street, Montpelier-road, Peckham Rye; let at £40 per annum.—Sold for £350.

Leasehold, Nos. 1 to 7, Rose-cottages, South-street, Peckham Rye; let at £36 14 0 per annum; held for 95½ years from Michaelmas, 1847; ground-rent, £20 per annum.—Sold for £500.

Leasehold, Nos. 1 to 7, Upper Orchard-street, New Park-road, Brixton-hill; term, 48 years from Michaelmas, 1843; ground-rent, £10 per annum; let at £108: 17: 0.—Sold for £900.

Leasehold Residence, No. 347, City-road, near "The Angel," Islington; let at £63 per annum.—Sold for £390.

Leasehold House, No. 54, Wynyatt-street, Goswell-road, Islington; let at £30 per annum.—Sold for £155.

Leasehold, Detached Residence, "Marden-cottage," Grove-road, Bow; term, 40½ years from Midsummer last; ground-rent, £10 per annum; annual value, £30.—Sold for £350.

By Messrs. BOWEN & BELLINGHAM.

Freehold, "Cuba-villa," Castle-hill, Maidenhead, Berks; annual value, £55.—Sold for £900.

Freehold "Castle-villa," Castle-hill, Maidenhead; let at £50 per annum.—Sold for £920.

Freehold Family Residence, "Clayton-villa," Castle-hill, Maidenhead; let at £58: 10: 0 per annum.—Sold for £850.

Freehold Residence, known as "Hill-cottage," Castle-hill, Maidenhead; let at £42: 10: 0 per annum.—Sold for £650.

Freehold Cottage Orné, known as "The Cottage," Castle-hill, estimated to produce £30 per annum.—Sold for £430.

Freehold Detached Cottage Orné, near the preceding Lot; annual value, £30.—Sold for £435.

Freehold Residence, "Belle-vue House," North-east Cliff, Ramsgate, Kent, with ornamental grounds; estimated value, £200 per annum.—Sold for £2,410.

Freehold Plot of Building Land, with materials thereon, Hamilton-road, Lower Norwood.—Sold for £295.

By Mr. T. IMPEY.

Freehold, Two Houses and a plot of land, Faulkner's-cottages, Hersham, Walton-on-Thames, Surrey; let at £16 per annum.—Sold for £230.

Two Freehold Houses adjoining; let at £16 per annum.—Sold for £200.

Two Freehold Houses adjoining; let at £16 per annum.—Sold for £220.

Four Freehold Houses adjoining; let at £24 per annum.—Sold for £410.

By Mr. MARSH.

Leasehold Houses and Shops, No. 54, Upper Ebury-street, and 45, Queen-street, Pimlico, producing £57 per annum; held for a term of 80 years from March, 1716; ground-rent, £3.—Sold for £120.

Freehold, 14 Plots of Building Land, Station-road, Woolwich, adjoining the Dockyard Railway Station.—Sold at from £40 to £110 per plot.

Freehold, 16 Plots of Building Land, Bedhill, Surrey, near the station.—Sold at from £42 to £200 per plot.

A sum of £19,000 sterling, payable out of one-fourth of the profits of the Central American Mining Company (limited), after repayment of its preference capital and interest.—Sold for £3,000.

By Messrs. BOWD & SON.

Leasehold House and Premises, No. 16, Upper Edmund-street, King's-cross.—Sold for £165.

Leasehold House and Shop, No. 18, Chichester-place, Gray's-inn-road.—Sold for £100.

Leasehold Residence, No. 14, Argyle-street, Euston-road.—Sold for £300.

Leasehold Residence, No. 31, Argyle-street, Euston-road.—Sold for £290.

Leasehold Dwelling-houses, Nos. 32, 33, & 35, Argyle-street.—Sold for £450 each.

By EDWIN SMITH & Co.

Leasehold Residences, Nos. 4 & 5, Grafton-terrace, Maitland-park, Haverstock-hill; term, 93¼ years from Midsummer, 1859; ground-rent, £8 per house; let at £36 each per annum.—Sold for £312: 10: 0 each.

By Messrs. WHITE & SONS.

Freehold Residence, Rose-hill-house, Rose-hill, Dorking, Surrey; let on lease for 20 years, at £55 for the first six years, and for the residue of the term, £70 per annum.—Sold for £1,380.

Freehold Residence, Rose-hill-villa, adjoining.—Let on lease at £50 per annum.—Sold for £1,180.

Freehold Dwelling-house and Shop, High-street, Dorking; let on lease for 21 years from Michaelmas, 1846, at a rental of £62 per annum for the first 14½ years, and £70 per annum for the remainder of the term.—Sold for £1,300.

Freehold Dwelling-house, East-street, Dorking, and a Cottage in the rear; let at £26 per annum.—Sold for £430.

Freehold Cottage, Chapel-place, and a Plot of Garden-ground contiguous thereto, containing 19 perches; let at £5 per annum.—Sold for £85.

By Mr. BUSH.

Copyhold, Nightingale-hall and Hatch Mark-side, Lower Edmonton, Middlesex, comprising residence and 160 acres of land; let on lease at £420 per annum.—Sold for £11,800.

By Mr. SMITH.

Freehold Dwelling-house and Farm-yard, with numerous farm buildings, part of Street Farm North, Sussex, with 3a. 0r. 16p. of meadow and garden land.—Sold for £950.

By Mr. MASON.

Freehold House, Factory, and Yard, No. 13, Mape-street, Bethnal-green-road; let at £30 per annum.—Sold for £450.

Freehold House, No. 1, White Horse-place, Commercial-road East; annual value, £25.—Sold for £330.

Freehold (Four) Plots of Building Land, Odessa-road, Forest-gate, Essex.—Sold for £110.

Freehold Plot of Building Land, Field-road, Forest-gate.—Sold for 25 guineas.

By Messrs. DICKSON & DAVENPORT.

Freehold, 3a. 1r. 24p. of orchard and fruit plantation, Brampton-lane, Bexley-heath, Kent.—Sold for £445.

Freehold Farm, comprising 21a. 3r. 10p. of arable land, with residence and outbuildings, fronting on the high road and Pickford-lane, Bexley, Kent; let at £63 per annum.—Sold for £2,410.

Freehold, 2a. 1r. 3p. of Arable Land, Pickford-lane, Bexley.—Sold for £370.

Freehold, 2a. 1r. 3p. of Arable Land, Bexley-road, Bexley.—Sold for £310.

Freehold, 3r. 20p. of Arable Land, Bexley-road.—Sold for £175.

AT GARRAWAY'S.

By E. W. FULLER.

Freehold Meadow Land, "Barn Mead," Woodside, Croydon, Surrey, containing 1a. 3r. 23p.—Sold for £300.

Freehold, 1a. 3r. 35p. of Meadow Land, "Lower Three Acres," Blackmore-road, Woodside, Croydon.—Sold for £320.

Freehold, 1a. 3r. 21p. of Meadow Land adjoining, and known as Upper Three Acres.—Sold for £370.

By Mr. J. J. ORGILL.

Freehold, the Crown and Anchor Tavern, and House adjoining, Zion-place, Fort, Margate, Kent; let at £100 per annum.—Sold for £1,900.

Freehold Public-house, "The Rose Tavern," High-street, Gravesend, Kent; let at £70 per annum.—Sold for £1,200.

Freehold, Net Rent of £50 per annum, arising from the "Horse-shoe and Magpie" Public-house, corner of West Harding-street, Fetter-lane.—Sold for £1,210.

By Mr. MURRELL.

Freehold House and Shop, together with a Plot of Building Ground adjoining, South-road, Haydon's-lane, Wimbledon, Surrey.—Sold for £120.

Copyhold, Two Cottages and Gardens, Cobbold-lane, Sunbury, Middlesex; let at £12 per annum.—Sold for £95.

By Messrs. PATEN & CLARK.

Freehold Business Premises, No. 146, Holborn; let on lease at £155 per annum.—Sold for £2,600.

By Mr. JOHN P. SALT.

Freehold Houses, Nos. 22 & 23, Woolmore-street, East India-road, Poplar; let at £32 per annum.—Sold for £280.

Copyhold House, No. 48, Robin Hood-lane, Poplar; let at £16 per annum.—Sold for £135.

Lease, &c., of the "Three Johns" Wine and Spirit Vaults, at the corner of Suffolk-street, and White Lion-street, Pentonville, and Three Houses adjoining, being Nos. 10 to 12, Suffolk-street.—Sold for £2,000.

London Gazette.

Perpetual Commissioner for taking the Acknowledgments of Married Women.

TUESDAY, *Sept.* 27, 1859.

JONES, JOHN HUMPHREY, Gent., Portmadoc, Carnarvonshire; also for the county of Merioneth.

Creditors under Estates in Chancery.

Last Day of Proof.

TUESDAY, *Sept.* 27, 1859.

PRICE, JOHN, Gent., Theale, Tilehurst, Berkshire (who died in or about the month of May, 1859). Blandy v. Price, M. R. Nov. 10.

FRIDAY, *Sept.* 30, 1859.

GILCHRIST, JOHN BOSTWICK, Doctor of Laws, 10 Rue Mallgnon, Paris, formerly of Nicholson-sq., Edinburgh, also of Arlington-st., and Clargest., Piccadilly, sometime Banker, in Edinburgh (who died on or about Jan. 8, 1841). Whicker v. Hume and others, and Hume and others v. Pepe and others, M.R. April 17.

Winding-up of Joint Stock Company.

LIMITED, IN BANKRUPTCY.

FRIDAY, *Sept.* 30, 1859.

UNITED GENERAL BREAD AND FLOUR COMPANY FOR PLYMOUTH, STONEHOUSE, AND DEVONPORT.—On Oct. 11, and four following days, at the Athenæum, Plymouth, to settle the list of contributories to the letter L.

Assignments for Benefit of Creditors.

TUESDAY, *Sept.* 27, 1859.

BROWN, JOHN THOMAS, Tailor, Southsea, Hants. Aug. 30. *Trustee*, J. W. White, and J. Simmons, Portsea, Hants. Creditors to execute on or before Nov. 30. *Sol.* Wallis, Portsmouth.

HUMPHRIES, WILLIAM, Printer, Birmingham. Sept. 3. *Trustee*, T. B. Adams, sen., Wholesale Stationer, Cannon-st. West; M. Billing, Printer, Birmingham. *Sols.* Allen, Birmingham; J. & J. H. Tinkler & Hackwood, 7 Walbrook.

JACKSON, WILLIAM, Grocer, Leicester. Sept. 1. *Trustee*, J. Roberts, jun., Wholesale Grocer, Leicester; R. Jacques, Tallow Chandler, Leicester. Creditors to execute on or before Nov. 1. *Sol.* Stevenson, Leicester.

M'KWORT, ROBERT, Hosier, Coventry. Sept. 2. *Trustee*, W. Nevill, Warehouseman, Gresham-st. West; R. Hellaby, Warehouseman, Gresham-st. West. *Sol.* Turner, 68 Aldermanbury.

PARR, JONATHAN, Joiner, Southwell, Nottinghamshire. Sept. 23. *Trustee*, R. Hawksley, Saddler, Southwell. Creditors to execute on or before Oct. 23. *Sols.* Stenton & Townsend, Southwell.

STUBBS, WILLIAM, Grocer, Church-st., Greenwich. Sept. 14. *Trustee*, W. Wilson, Wholesale Tea Dealer, Eastcheap. Creditors to execute on or before Dec. 14. *Sols.* Drake & Son, 38 Walbrook.

FRIDAY, *Sept.* 30, 1859.

BRYANT, EDWARD, Shoe Maker, 14 Upper-st., Islington. Sept. 10. *Trustee*, W. Edwards, Warehouseman, 9 Aldermanbury. *Sol.* Turner, 68 Aldermanbury.

LAWRANCE, EBENEZER, Builder, 9 Goswell-rd. Sept. 3. *Trustee*, E. Lawrance, Chemist, Welwyn, Herts. *Sol.* Burr, 13 Paternoster-row.

LAY, WILLIAM, Publisher, 13 King William-st., Strand. Sept. 26. *Trustees*, J. A. Edwards, Printer, 4 Chandos-st., Covent-garden. *Sols.* Palmer, Nettleship, & Eland, 4 Trafalgar-sq.

MASFIELD, EDWARD, Licensed Victualler, Wolverhampton. Sept. 19.

Trustees: B. Savage, Wine Merchant; Wolverhampton; W. Hayes, Licensed Victualler, Wolverhampton. *Sol.* Clark, Wolverhampton.

MORTLOCK, PHILIP, Grocer, Bury St. Edmunds. Sept. 14. *Trustees*: S. Bedells, Grocer, Bury St. Edmunds; G. Ridley, Soap Maker, Bury St. Edmunds. *Sol.* Ion, Bury St. Edmunds.

Bankrupts.

TUESDAY, *Sept.* 27, 1859.

BAKER, CHARLES HENRY, & JOSEPH ACOMAN, Soap Manufacturers, 16 Water-lane, Great Tower-st., and 2 Duke-st., Adelphi. *Com.* Fane; Oct. 6, at 12; and Nov. 4, at 11; Basinghall-st. *Off. Ass.* Cannan. *Sol.* Preston, 10 Austin-friars. *Pet.* Sept. 23.

HALL, JOHN MACHIN, Paper Dealer, Sheffield. *Com.* West: Oct. 8, and Nov. 19, at 10; Sheffield. *Off. Ass.* Brewin. *Sol.* Fernell, Sheffield. *Pet.* Sept. 23.

MORRIS, JOSIAH, Needle Manufacturer, Astwood Bank, Worcestershire (J. Morris & Sons). *Com.* Sanders: Oct. 7, and Nov. 4, at 11.30; Birmingham. *Off. Ass.* Kinnear. *Sols.* Fitter & Warden, Birmingham. *Pet.* Sept. 22.

RICHMOND, JOSEPH, Corn Factor, Bradway, Derbyshire. *Com.* West: Oct. 8, and Nov. 19, at 10; Sheffield. *Off. Ass.* Brewin. *Sol.* Fernell, Sheffield. *Pet.* Sept. 23.

SAIT, JOHN, Currier, 15 Star-corner, Bermondsey. *Com.* Evans: Oct. 7, at 1; and Nov. 10, at 12; Basinghall-st. *Off. Ass.* Johnson. *Sols.* Lewis & Watson, 25 Clement's-lane. *Pet.* Sept. 26.

SQUIRE, ROBERT, Draper, Kendal. *Com.* Elliott: Oct. 10, and Nov. 2, at 11; Newcastle-upon-Tyne. *Off. Ass.* Baker. *Sols.* Scott, Kendal; or Hodge & Harle, Newcastle-upon-Tyne. *Pet.* Sept. 20.

VERNON, JOSEPH YARDLEY, Draper, Stourbridge. *Com.* Sanders: Oct. 10 & 31, at 11; Birmingham. *Off. Ass.* Whitmore. *Sols.* Prescott, Stourbridge; or Reece, Birmingham. *Pet.* Sept. 17.

FRIDAY, *Sept.* 30, 1859.

DAVIES, EDWARD CLEMENT, & GEORGE COOPER, Druggists, Gainsborough. *Com.* West: Oct. 12, and Nov. 9, at 12; Kingston-upon-Hull. *Off. Ass.* Carrick. *Sols.* England & Saxelbye, Kingston-upon-Hull. *Pet.* Sept. 30.

GREEN, JOHN CHAPMAN, Hotel Keeper, Manchester. *Com.* Jemmett: Oct. 12 and Nov. 9, at 12; Manchester. *Off. Ass.* Pott. *Sols.* Slater & Myers, Manchester. *Pet.* Sept. 27.

JACK, ARCHIBALD HAY, Letterpress Printer, 16a Great Windmill-st., Haymarket, lately trading in copartnership with WILLIAM EVANS, deceased. *Com.* Hazeyd: Oct. 18, at 2; and Nov. 16, at 12; Basinghall-st. *Off. Ass.* Lee. *Sol.* Lawrance, Plews, & Boyer, 14 Old Jewry-chambers. *Pet.* Sept. 27.

M'CLURE, JAMES, jun., Warehouseman, Manchester. *Com.* Jemmett: Oct. 14, & Nov. 9, at 12; Manchester. *Off. Ass.* Fraser. *Sols.* Sale, Worthington, Shipman, & Seddon, Manchester. *Pet.* Sept. 23.

MORGAN, JAMES KURTON, Draper, Clifton. *Com.* Hill: Oct. 11, & Nov. 8, at 11; Bristol. *Off. Ass.* Acraman. *Sols.* Sole, Turner, & Turner, 68 Aldermanbury; or Brittan & Sons, Bristol. *Pet.* Sept. 20.

RAMMAGE, WILLIAM, Ironfounder, Platts, Stourbridge. *Com.* Sanders: Oct. 13, & Nov. 4, at 11.30; Birmingham. *Off. Ass.* Whitmore. *Sols.* James & Knight, Birmingham; or Collis, Stourbridge. *Pet.* Sept. 28.

SAIT, JOHN, Currier, 15 Star-corner, Bermondsey. *Com.* Evans: Oct. 7 (and not the 2nd, as advertised) at 1; and Nov. 10 at 12; Basinghall-st. *Off. Ass.* Johnson. *Sols.* Lewis & Watson, 25 Clement's-lane. *Pet.* Sept. 26.

VIVIAN, JOHN DAVEY, Grocer, Plymouth. *Com.* Andrews: Oct. 14 at 11; and Nov. 14 at 1; Plymouth. *Off. Ass.* Hirtzel. *Sols.* Richardson & Sadler, 15 Old Jewry-chambers; or Rooker, Lavers, & Matthews, Plymouth. *Pet.* Sept. 17.

WINCKWORTH, JOHN RICHARDSON, Picture Dealer, late of 2, now of 8, Albion-st., Hyde-pk., and of 36 Charlotte-st., Fitzroy-sq. *Com.* Holroyd: Oct. 18 at 12; and Nov. 15 at 1; Basinghall-st. *Off. Ass.* Edwards. *Sol.* Weymouth, 13 Clifford's-inn. *Pet.* Sept. 21.

BANKRUPTCY ANNULLED.

FRIDAY, *Sept.* 30, 1859.

WIGHTON, WILLIAM, Coal Merchant, Bourne End, Great Marlow. *Sept.* 20.

MEETINGS FOR PROOF OF DEBTS.

TUESDAY, *Sept.* 27, 1859.

ANDREWS, NICHOLAS, & THOMAS ANDREWS, Ironmongers, Gateshead. Oct. 20, at 12; Newcastle-upon-Tyne.

BROWNRIGG, HENRY, Merchant, Liverpool (H. Brownrigg & Co.). Oct. 19, at 11; Liverpool.

COTTERELL, CHARLES FREEMAN, Linendraper, 9 Chichester-st., Paddington. Oct. 20, at 11; Basinghall-st.

DUNN, WILLIAM, Spirit Merchant, North Shields. Oct. 18, at 12; Newcastle-upon-Tyne.

FITCHETT, RICHARD THOMAS, Tailor, 6 Hanover-st., Hanover-sq. Oct. 18, at 12; Basinghall-st.

GREATOREX, HENRY, Hotel-keeper, Llanwrst, Denbighshire. Oct. 19, at 11; Liverpool.

GREEN, JESSE, Cabinet-maker, St. Aldate-st., Oxford. Oct. 20, at 1; Basinghall-st.

HALL, WILLIAM, Butcher, Fordingbridge, co. Southampton. Oct. 18, at 12; Basinghall-st.

JONES, WILLIAM, Engineer, Greenwich (William Jones & Co.). Oct. 20, at 12.30; Basinghall-st.

MAIR, FRANCIS HENRY, & ROBERT HENRY MAIR, Publishers, 22 Henrietta-st., Covent-garden. Oct. 20, at 11; Basinghall-st.

MEE, HENRY, Miller, Werrington, Northamptonshire. Oct. 20, at 11.30; Basinghall-st.

ROBINSON, ROBERT, & JOHN ROBSON, Upholsterers, 23 Margaret-st., Cavendish-sq., and 14 Little Portland-st. Oct. 20, at 12; Basinghall-st.

TAYLOR, WILLIAM JAMES, Chemist, North Shields. Oct. 20, at 11.30; Newcastle-upon-Tyne.

WHITE, ROBERT DENNIS, & JOHN GILMORE, East India Army Agents and Bankers, 14 Haymarket, also trading in copartnership with James Fortescue Harrison & Arthur Kay King, Calcutta (WHITE & *Co.*). Oct. 18, at 1; Basinghall-st. Sep. est. of Robert Dennis White.

FRIDAY, *Sept.* 30, 1859.

BARBER, ROBERT, Cowkeeper, Little Bentley, Essex. Oct. 31, at 11.30; Basinghall-st.

BARRACK, JAMES, Hotel Keeper, Union Hotel, Cockspur-st., Charing-cross, & Trafalgar Hotel, Spring-grdns. Oct. 21, at 1; Basinghall-st.

BIRKS, HENRY, Grocer, Sheffield. Oct. 22, at 10; Sheffield.

BURR, EDWARD (James Burr & Co.), Merchant, 81, Helen's-pl., Oct. 31, at 1.30; Basinghall-st.

BURTON, LANGLEY, Upholsterer, Melton Mowbray. Oct. 21, at 11.30; Nottingham.

DAVIES, GEORGE, Printer, 6 Bath-st., Newgate-st. Oct. 25, at 12; Basinghall-st.

DORSET, GEORGE, JOHN JOHNSON, JOHN WILKINSON, WILLIAM BEARDS, & JAMES TILSON, Bankers, New Bond-st. Oct. 25, at 12; Basinghall-st.

HOLDEN, JOSEPH, Painter, Bolton. Oct. 27, at 12; Manchester.

MORTON, JOHN LOCKHART, Merchant, 6 Finch-lane, Oct. 24, at 12; Basinghall-st.

MOSS, FANNY, Milliner, Mansfield, Notts. Oct. 22, at 10; Sheffield.

PALMER, JOHN DIGBY LEE, Teacher, Sheffield. Oct. 22, at 10; Sheffield.

PALMER, HENRY HURRY, Merchant, Little Yarmouth, Suffolk. Oct. 26, at 11; Basinghall-st.

SHEPPARD, JOHN, Draining Tile Manufacturer, King's Lynn. Oct. 21, at 1.30; Basinghall-st.

SIMMONS, JAMES, Grocer, Sheffield. Oct. 22, at 10; Sheffield.

STONES, JOHN CHARLES, & JOHN SAWYER, Tool Manufacturers, Sheffield. Oct. 22, at 10; Sheffield.

WARDALE, ELIZA, Feather Merchant, 26 Sidney-st., Commercial-rd. East. Oct. 22, at 11; Basinghall-st.

WARNER, JOSIAH SIKE, Manufacturer, Sheffield. Oct. 22, at 10; Sheffield.

CERTIFICATES

To be ALLOWED, *unless Notice be given, and Cause shown on Day of Meeting.*

TUESDAY, *Sept.* 27, 1859.

KENT, MARY, Widow, Boarding School Keeper, 13 Upper Phillimore-pl., Kensington. Oct. 20, at 2; Basinghall-st.

SMITH, KIRKMAN, Stone Mason, New Cross (Smith & Co.) Oct. 20, at 11.30; Basinghall-st.

SWAINE, WILLIAM, Miller, Stevenage, Hertfordshire. Oct. 20, at 12; Basinghall-st.

WHITE, ELIZABETH, Schoolmistress, Ellerslie-house, Lewisham (in partnership with Fanny Eyerest, formerly of 29, now of 33 Soho-sq., Vendors of Musical Works). Oct. 20, at 11; Basinghall-st.

FRIDAY, *Sept.* 30, 1859.

BARBER, ROBERT, Cowkeeper, Little Bentley, Essex. Oct. 31, at 11.30; Basinghall-st.

BARRACK, JAMES, Hotel Keeper, Cockspur-st., and of Spring-gardens, Oct. 21, at 1; Basinghall-st.

BOWACK, WILLIAM, Builder, 93 Paul-st., Finsbury, and of Seven Sisters-rd., Holloway. Oct. 21, at 11; Basinghall-st.

BRYANT, JOHN, Coal Merchant, Newport, Monmouthshire. Nov. 1, at 11; Bristol.

CARR, WILLIAM, Coal Merchant, Liverpool. Oct. 24, at 11; Liverpool.

GLADWELL, HENRY WILLIAM, Manufacturer, 11 Poultry. Oct. 21, at 12; Basinghall-st.

HARRIS, ABRAHAM, Tobacconist, 1 Railway-pl., Shoreditch, and 1a Bridge-rd., Lambeth. Oct. 22, at 11; Basinghall-st.

HAWKES, EDWARD, Tobacconist, Birmingham. Oct. 24, at 11.30; Birmingham.

HOLDEN, JOSEPH, Painter, Bolton. Oct. 27, at 11; Manchester.

POWELL, JAMES, Draper, 13, Middle-row, Knightsbridge. Oct. 28, at 12.30; Basinghall-st.

SCHLESER, CHARLES (Charles Schlezer & Co.), 43 Mourgate-st. Oct. 21, at 1; Basinghall-st.

TISLER, WILLIAM, Carriage Wheel Manufacturer, 29 Newington-causeway, and of 93 Oxford-rd., Manchester. Oct. 25, at 1; Basinghall-st.

TITCHMARSH, CHARLES, Farmer, Wimpole, Cambridgeshire. Oct. 22, at 12; Basinghall-st.

To be DELIVERED, *unless Appeal be duly entered.*

TUESDAY, *Sept.* 27, 1859.

OSLER, JAMES (not COLEY, as advertised), Coal Dealer, High-st., Deritend, Birmingham. Sept. 15, 2nd class.

WILKINSON, HENRY, Card Maker, Newton Moor, Cheshire. Sept. 14, 3rd class, after a suspension of 12 months.

FRIDAY, *Sept.* 30, 1859.

DUNNELL, JOHN, Licensed Victualler, College-st., Camden-town. Sept. 2, 2nd class.

DURSTON, EDWIN MOREY, Grocer, Bath. Sept. 27, 2nd class.

HAYES, JOHN, Wine Merchant, 55 Old Broad-st., & Prisoner for Debt. Sept. 27, 3rd class.

FRYER, THOMAS SKEELS, Brickmaker, Chatteris, Isle of Ely. Sept. 27, 1st class.

Scotch Sequestrations.

TUESDAY, *Sept.* 27, 1859.

AIKMAN, PETER & THOMSON, Shipowners, Glasgow. Sept. 30, at Faculty-hall, Glasgow. *Seq.* Sept. 22.

CAMERON, WILLIAM, Commission Merchant, Glasgow. Oct. 1, at 12; Glasgow-hotel, Glasgow. *Seq.* Sept. 24.

CARSWELL, ALEXANDER GLASGOW, deceased, Salesman, Glasgow. Oct. 4, at 12; Faculty-hall, Glasgow. *Seq.* Sept. 23.

MITCHELL, JAMES, deceased, Accountant, late of 1 Lothian-isle, Edinburgh. Oct. 4, at 12; Stevenson's-rooms, Edinburgh. *Seq.* Sept. 26.

SMITH, ROBERT, Watchmaker, Inverness. Oct. 4, at 1; Caledonian-hotel, Inverness. *Seq.* Sept. 21.

THOMSON, JAMES, Inspector of Poor, 6 Comely-green-pl., Edinburgh. Oct. 3, at 1; Rooms of Messrs. Dowells & Lyon, Edinburgh. *Seq.* Sept. 23.

FRIDAY, *Sept.* 30, 1859.

DICKSON, SAMUEL, Jeweller, Dumfries (now deceased). Oct. 13, at 12; King's Arms-inn, Dumfries. *Seq.* Sept. 28.

HAMILTON, WILLIAM, Writer, Hamilton. Oct. 10, at 2; Sheriff Court-house, Hamilton. *Seq.* Sept. 28.

HAMILTON, FRANCIS, Writer to the Signet, Hamilton. Oct. 10, at 3; Sheriff-court-house, Hamilton. *Seq.* Sept. 28.

HOUSTON, PETER (Houston & M'Kinlay), Plumber, Helensburgh. Oct. 4, at 12; Tontine Hotel, Helensburgh. *Seq.* Sept. 24.

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The Subscription to the SOLICITORS' JOURNAL AND WEEKLY REPORTER, *is 2l. 12s. per annum, and for the* JOURNAL WITHOUT REPORTS *1l. 14s. 8d., which includes all Supplements, Title, Index, &c. &c. Post Office Orders crossed "& Co." should be made payable to* WILLIAM DRAPER, *59, Carey-street, Lincoln's-inn, at the* BRANCH MONEY-ORDER OFFICE, CHANCERY-LANE, W.C.

THE SOLICITORS' JOURNAL.

LONDON, OCTOBER 8, 1859.

CURRENT TOPICS.

The forthcoming annual meeting of the National Association for the Promotion of Social Science will take place at St. George's Hall, Bradford, on Monday next, when Lord Shaftesbury, as President of the Association, will deliver his address. On Tuesday, Lord Brougham, President of the Council, will deliver his annual address, followed by Vice-Chancellor Wood, as President of the Jurisprudence Department. The Right Hon. C. B. Adderley, M.P., on Education; Mr. Monckton Milnes, M.P., on Punishment and Reformation; the Right Hon. W. Cowper, M.P., on Public Health; and Sir James Kay Shuttleworth, Bart., on Social Economy, will, on the four following days, deliver their respective addresses. It is expected that the meeting will be very numerously attended, assurances having been forwarded by the gentry from all parts, particularly from the neighbouring manufacturing districts, of their intention to promote the objects of the Association. Many very valuable papers have been contributed on great and important subjects, by gentlemen of acknowledged talent. These papers will contain a vast amount of information and experience in social matters, both local and general, borne out by the latest and fullest statistical returns, on the various subjects. The learned President of the Jurisprudence Department will, we are sure, from his high position and extensive acquirements in the study of the law, be regarded by every member of the legal profession as an ornament to the section over which he will preside. We are informed that independent of his Honour's acceptance of the chair, he has contributed a paper on Charitable Trusts, which will be read in the department. We have no doubt that this most important subject will receive his Honour's best attention, and many valuable and interesting suggestions will be thrown out for the amendment of the law in this direction. On the Wednesday morning, the Department will take reports and papers relating to Mercantile Legislation, Bankruptcy, and other subjects relating to Chambers of Commerce. A conversational meeting of Delegates from Chambers of Commerce, and similar bodies, will also be held in the evening. Mr. Collier, Q.C., and Mr. Ripley, President of the Bradford Chamber of Commerce, have consented to act as Vice-Presidents. In addition to the list of papers we published a short time ago, we may mention amongst others, one by Mr. T. Chambers, the Common Serjeant, "On the Social Condition of the People as affecting and as affected by the Law;" one by Mr. Daniel, Q.C., "On the effect of the recent reforms in the Court of Chancery, with reference to the transactions of business in the Judges' Chambers, the mode of taking evidence, and the mode of trying disputed questions of fact;" and another by Mr. W. Strickland Cookson, on the "Registration of Titles to Land." These, and the other papers referred to this department, the section will discuss daily till the end of the week.

COUNTY COURTS.

These Courts are now fixed among the permanent institutions of the country. Long opposed, and the necessity for them doubted, all of us are now interested in keeping them in the highest state of efficiency. Able officers should be secured, above all, judges should be appointed whose capacity for the judgment-seat cannot be contested; and they should be retained upon it only so long as that capacity endures. Have these most obvious rules guided the Governments of the day from the period of the first constitution of these courts? Most of our readers who have had any experience of these tribunals will, we are confident, answer this question in the negative. They will call to mind the first appointments, when the prevailing motives were, to patronise the minister's friends, or to escape giving compensations.

The former is an old grievance, and requires no more than bare mention. The latter, however, sprang from selfish fears. The flagrant jobs of the Chancery compensations were fresh in the public mind. Those who were in high places, and whose functions were to guide the nation, to redeem it from error, and to lead it to right, cowered before a just indignation, and secured economy, by retaining inefficiency. Courts of requests, hundred courts, and the like, all ripe for dissolution, removal, &c., conferred a title to a judgship in the new courts upon those who had presided in the old, lest these should demand compensation for their displacement. This is very much like an executor who proceeds to swallow the surplus pills, and drink off the remaining draughts and mixtures, which did little good to his departed friend, because "it's a pity to waste them." The same principle might be adopted, with equal success, in appointing some of those remaining, who receive the Chancery compensations, to be Vice-Chancellors. A saving of some thousands would be secured, but who, in his senses, would sanction such a course?

Many appointments of undoubted merit were made in parts of the country where either public intelligence is too great or the publicity too dangerous to venture on a doubtful selection. This last is a wholesome check on patronage. Let any one having "good influence" in high quarters ask for a friend whose merits at the bar have not been discovered, a police magistracy in London, the reply will be, "Ask anything but that; we dare not put any one into those berths but men whose standing at the bar or their attainments shown in other ways, are a guarantee for them as discreet and able men. There are those confounded papers—they get hold of everything so soon, that really I dare not run the risk, but I think I could get the Lord Chancellor to give him a *county court judgship*." It is, indeed, true, that a long course of tyranny and folly may be indulged in in these courts before public attention is attracted to it. What we have said relates in chief part to the first appointments, and even as to those we would not be understood as condemning in a body, but rather as singling out exceptions far too numerous, it is true, and tracing them to the vicious systems of patronage and false economy. But how is the gradual elimination of those who have been incompetent from the first, or been rendered so by age, and increasing infirmities, been secured? We fear that no supervision for this purpose is exerted. Arbitrary and foolish acts and speeches are continually reaching us, done and said in these holes and corners, to which the light of the public press does not penetrate. To the high-minded men who fill the chairs of justice at Westminster, no hint is required to make them sensible that their diminished powers and weakened faculties demand that they should give place to their successors. With some

of the county court judges it seems to be otherwise, and they will be allowed to continue doing justice by accident, and injustice without intending it, until the bounds of public patience be passed, and some remedy be applied to the evil. Such a case is, as it appears to us, that of Mr. Serjeant Storks, as evidenced by his behaviour at the Bow County Court on Saturday last. It will be remembered that considerable discussion on the propriety of abolishing imprisonment for debt occurred in the last session of Parliament, which resulted in a short Act of Parliament, making it unlawful to commit to prison for debt, "unless it shall appear to the satisfaction of such judge that such party, if a defendant, in incurring the debt or liability which is the subject of the action in which judgment has been obtained, has obtained credit from the plaintiff under false pretences, or by means of fraud or breach of trust, or has wilfully contracted such debt or liability without having had at the same time a reasonable expectation of being able to pay or discharge the same, or shall have made, or caused to be made, any gift, delivery, or transfer of any property, or shall have charged, removed, or concealed the same, with intent to defraud his creditors, or any of them, *or has then, or has had since*, the judgment obtained against him sufficient means and ability to pay the debt or damages, or costs so recovered against him, either altogether, or by instalments, &c." This was a piece of legislation one would have supposed unnecessary, inasmuch as it merely amounts to an obvious suggestion to the discretion of judges, which we should hope had been already acted upon. It merely curtails their power to this extent, that the mere non-appearance of a defendant to a judgment summons is not enough to authorise his commital. Some evidence of fraud, or his ability to pay, must be given.

Mr. Serjeant Storks' view of the Legislature under which he lives, and to which he owes allegiance, shall speak for itself in his own words. He was asked to commit a defendant for 4*l.* 13*s.* 6*d.* for goods supplied, he having a salary of £150 a-year. There was also evidence that he was a man of drunken habits. We forbear from mentioning names, since we have to do with a principle, not with private gossip. Mr. Serjeant Storks' answer is, "It is an abominable system, this system of imprisonment for debt. . . . The Legislature had almost abolished imprisonment for debt; but they are a cowardly Legislature, a cowardly lot, and they have not done it. The Bill was introduced hurley burley in the House of Parliament." To the remark of the solicitor, who appears to have acted with moderation and firmness, that his "Honour was bound to administer the law as he found it, and could not exercise legislative functions," he answered: "That is an easy mode of logic. I believe, from the marginal note, that it was the intention of the Legislature to do away with imprisonment for debt." This mode of construing an Act of Parliament seems novel, and in the case indicated, does not support the learned serjeant. It is simply "Power of committal by county court judges under 9 & 10 Vict. c. 95, s. 98, not to be exercised unless credit obtained by fraud." In the first place, the note obviously only mentions part of what the section contains; in the next, it is clear from its own terms, that there was no intention to "do away with imprisonment for debt." Besides which, the whole case of the plaintiff was, that it was one of fraud on the part of the defendant.

The learned judge repeatedly declared his objection to imprisonment for debt, and, when reminded that the law still allowed it, referred the advocate to the Queen's Bench to obtain a *mandamus* to enforce the committal. It was then mentioned that he had sixty judgment summonses to hear. He answered, "I will get rid of the sixty persons on the same principle at once if you like. I shall not commit."

Subsequently, to another applicant, who asked, "What will become of my money?"—The Judge: "Probably you will never have it." Plaintiff: "Do you call that justice?"—His Honour: "I have laid down a general principle, and *I am that principle*. The Legislature has taken away the power of imprisoning for debt."

To a third, who said, "How shall I get my money?" he replied, "Go without. The gaoler is not going to have defendant's *carcase*."

We would not wound the feelings of an aged man, but regard for the public welfare insists that this case should be promptly noticed, and that some one in authority, able to judge, and free from bias, whether of hatred or affection, should be a quiet, unknown spectator of Mr. Serjeant Storks' judicial proceedings as *usually* enacted. We fear that this extraordinary instance of a judge wilfully opposing the intentions of the Legislature, indecently commenting upon its performance of its functions, catching at the laughter of the idle, and acting as merry-Andrew on the judgment-seat, might be found no singular instance of incompetency, to convey a warning of second childhood in the judicial career of Mr. Serjeant Storks. Has no friend of his care enough for his reputation to save it and his feelings from the pain and ignominy of dismissal, by persuading him to an early resignation?

The Courts, Appointments, Vacancies, &c.

INSOLVENT DEBTORS COURT.

(Before Mr. Commissioner Dowse.)

In re John Burnett Stones.—Oct. 3.

This insolvent (who applied for bail) was opposed on the part of Messrs. Tapper, woollen-drapers, of Bishopsgate-street.

This case disclosed a mode of procuring bail which has long been suspected, and requires a stringent rule from the commissioners. Two Jews have frequently presented themselves as bail, and been accepted. To-day another person, a furniture dealer, appeared to bail the insolvent. He made an affidavit that the furniture and property in his house was worth £200.

Mr. *Reed* rigidly examined the witness, and denied that the property was worth £200. He asked the witness whether he knew the insolvent.

The witness said not long. A friend had introduced him.

Mr. Commissioner Dowse.—Had you seen him before this morning?

Witness.—No, sir.

Mr. Commissioner Dowse.—You had better have said so We know how these things are done.

It was elicited from the proposed bail that he had been paid 15*s.* for his trouble in making the affidavit of bail, and expected to be paid something more; but he said "promises were often broken."

Mr. *Reed* asked the Court whether he need to go on after this admission the parties had made? It was scandalous to see how affidavits were made to obtain bail in this court.

The Commissioner requested the learned counsel to proceed with his examination of the proposed surety.

Mr. *Reed* accordingly proceeded, and, after a few more questions as to the alleged sufficiency of the bail,

The Court rejected the application, and the bail departed.

BOW COUNTY COURT.

(Before Mr. Serjeant Storks.)

Sorrell v. *Bishop.—Oct.* 1.

The following extraordinary scene is reported to have taken place this day arising out of a judgment summons in the above case.

The plaintiff was a clothier, in High-street, Bow, who had recovered 4*l.* 13*s.* 6*d.* for goods supplied to the defendant, an examiner in the West India Docks. Defendant did not appear.

Mr. Dillon *Webb*, for the plaintiff, asked for the commitment of the defendant to prison.

The Judge.—It is an abominable system, this system of imprisonment for debt. I hold the system to be dishonourable, and it is fast becoming a penal punishment. It is attaching a criminal punishment to the non-performance of a civil contract. Imprisonment for debt is a great thing for the front of the

gaol, who holds the liberty of the subject in one hand and asks for the money with the other. I have a great objection to sending a British subject to gaol. The Legislature had almost abolished imprisonment for debt; but they are a cowardly Legislature, a cowardly lot, and they have not done it. The Bill was introduced hurley burley in the House of Parliament.

Mr. *Webb*.—Your Honour has already intimated that you will not commit unless fraud is shown. I can show fraud in this case.

His Honour.—I have laid down no rule. I say I am opposed to imprisonment for debt; it leads to no good whatever.

Mr. *Webb*.—Your Honour is simply a county court judge, and must administer the law as you find it. You cannot exercise legislative functions.

His Honour.—That is an easy mode of logic.

Mr. *Webb*.—Until the question is decided by the Legislature, your Honour is bound to commit in certain cases.

His Honour.—That is begging the question. I believe, from the marginal note to the section of the Act of Parliament, that it was the intention of the Legislature to do away with imprisonment for debt. It has been done away with in the superior courts, and why not be done away with in the petty courts of law?

After a very animated and somewhat personal discussion between the judge and the solicitor, the latter gentleman said: This defendant has the means of paying, but will not pay. The intention of the Legislature will become inoperative if the plaintiff has not some remedy against his debtor.

His Honour.—It will become inoperative as far as the exercise of the power of committing goes. In two or three cases I have already refused to commit, and you can go to the Court of Queen's Bench for a mandamus.

The plaintiff was then examined, and stated that the demand was for 4*l*. 13*s*. 6*d*. for clothes supplied to defendant, who had a salary of £130 a year.

Mr. *Webb*.—As the law now stands you are bound to administer it. Defendant was ordered to pay this debt by instalments, and three times have judgment summonses been taken out, and when orders for commitment have been made the arrears have been paid up.

His Honour.—Imprisonment for debt is against the spirit of the age. You can go to the court above. I have a great responsibility thrown on me.

Mr. *Webb*.—The responsibility is thrown on you to commit this person to prison. He has means of payment, and you are bound to commit.

His Honour.—Then you can apply to the Court of Queen's Bench for a mandamus, and I will make a special return to it.

Mr. *Webb*.—Your Honour refused on the last court day to commit any person, and there are to-day sixty judgment summonses to be heard.

His Honour.—I will get rid of the sixty persons on the same principle at once, if you like. I shall not commit.

Mr. *Webb* applied for a return of the hearing fees; but his Honour refused to make any order.

MIDDLESEX SESSIONS.—*Oct.* 3.

The General Quarter Sessions of the Peace for the county of Middlesex commenced this morning at the Guildhall, Westminster, before Mr. Bodkin, Assistant-Judge, and a full bench of magistrates.

The learned Assistant-Judge, in his charge to the grand jury, said, that a person named Petersen had been charged before a magistrate with having disturbed, or been concerned in disturbing, the service in two places of public worship, a charge arising out of the lamentable dissensions which for some time unfortunately had prevailed in a parish in the eastern district of the metropolis. The charge would probably be founded upon a statute passed in the reign of William and Mary, and generally known as the Toleration Act, the 18th section of which provides, "That if any person or persons shall wilfully and of purpose maliciously or contemptuously come into any cathedral or parish church, chapel, or other congregation permitted by this Act, and disquiet or disturb the same, or misuse any preacher or teacher, such person or persons, upon proof thereof, before any justice of the peace, by two or more sufficient witnesses, shall find two sureties to be bound by recognizance in the penal sum of £50, and in default of such sureties shall be committed to prison, there to remain till the next general or quarter sessions; and upon conviction of the said offence at the said general or quarter sessions, shall suffer the pain and penalty of £20 to the use of the king." Further provisions of a similar character were made by a subsequent statute, 52 Geo. 3, 155, by which the penalty on conviction was increased to £40. Whether the indictment or indictments which might be submitted to their consideration were framed either upon the one statute or the other, they could at once perceive that their duty was so plain and simple, that he should hardly have conceived it necessary to advert to the matter at all, did not every day's experience prove, that the best among us are sometimes drawn aside by prejudice, and especially in reference to subjects such as that out of which this prosecution arose. They all might lament the want of some appropriate authority, by which the proceedings which have given rise to these miserable dissensions might be regulated and controlled, but it could not be permitted in a country governed by law that violent abuse or indecent clamour should be heard in churches or places set apart for the celebration of Divine worship.

MANSION HOUSE.—*Oct.* 4.

James Kirkham, recently clerk to Mr. Humphreys, of Spital-square, solicitor, and Commissioner for the Redemption of Land-tax for the Tower division, and who had been previously committed for trial on a charge of having obtained from Mr. Innes, of 21, Mincing-lane, the sum of £662 11*s*. 4*d*., by means of a forged certificate, purporting to be a certificate of the Land-tax Commissioners for the Redemption of Land-tax, was again placed at the bar for examination upon two further charges, and fully committed for trial.

GUILDHALL.—*Oct.* 5.

David Hughes, the bankrupt attorney, was brought up this day for further examination. The court was again crowded by professional gentlemen and others interested in the prosecution.

The evidence taken on the last examination being read over, the following witnesses were called:—

Mr. Hewettson, from Messrs. Currie's bank, said:—Since I was last here I have found the promissory note for £1,500, dated 24th of March, and it fell due 27th July, 1858. I also produce the bankrupt's promissory note for £1,000, dated 4th July, and which fell due on the 8th of September, 1858. Both of those amounts are still due from the bankrupt to Messrs. Currie.

Mr. Godward said:—I am clerk in the Law Life Assurance Office. We issued a policy on the life of Robert Tristram Lucas, dated 30th December, 1833, for £1,000. That policy was paid on the 7th of September, 1855. The amount paid was £1,399, including the bonus. I produce the policy, bearing a receipt, signed by the bankrupt and two other parties. I was the attesting witness to David Hughes's signature, and the money was handed over to William Haynes, the bankrupt's clerk. That was paid upon the office being satisfied of the death of Mr. Lucas, which, by the medical certificate, took place on the 12th of May, 1855. I produce another policy on the same life for £230, dated 1st August, 1835; that also has been paid and receipted in the same manner as the other policy.

Mr. Milne said:—I was formerly clerk to David Hughes. There was a Chancery suit in reference to some children's shares of property, to which the late Mr. Lucas was one of the parties. The bankrupt received some money in my presence under an order of the Court of Chancery in the cause of *O'Neill* v. *Lucas*. He received 1,477*l*. 7*s*. 6*d*.

Mr. Frederick Silver, of Norton Rectory, Salop, said:—I am one of the executors of Miss Fenecott. I wrote the two letters produced, but did not receive any reply to either of them. At the time I wrote them there was a sum of £1,700 due from the bankrupt to the estate of Miss Fenecott. I communicated with Mr. Rees, my solicitor, on the subject, but I have never received one farthing of the money. £2,000 was the sum due, but £300 was deducted for probate duty, leaving the balance £1,700.

Cross-examined.—The bond for the payment of the yearly instalments of £1,000 was not the only security, as there were collateral securities besides. They were securities of a prior date, but not being satisfactory the bond was given to Mr. Hughes.

Mr. Montague, of 8, Brownlow-street, Holborn, law stationer, said:—I produce a mortgage deed of the 6th of April, 1858, to which I am the attesting witness. It was executed by the bankrupt. I am witness to the receipt for £10,000 endorsed in the deed, and signed by Mr. Hughes.

Cross-examined.—I saw Mr. Neave give a cheque to the bankrupt, but I know nothing about its being a consideration for the execution of the deed. I did not notice the amount of the cheque, but Mr. Hughes remarked, on receiving the cheque "Ah, that is the principal thing," in a joking way.

Mr. Palmer said:—I live in the Pownall-road, Dalston. On

the 30th of July last year. I was at Liverpool, and saw the bankrupt with his wife and children on board the *Red Jacket*, bound for Australia. I saw the vessel go out of the harbour with them on board. I believe his passage was taken in the name of Dyer. The bankrupt left London on the 18th of July.

Cross-examined.—I did not know what property they took away, but I know there was about 1,400 or 1,500 ounces of plate left in the house. The property in the house was left intact. I had known the bankrupt sixteen or seventeen years, and had large transactions with him. He bought the Dalston estate of me. I am also acquainted with his other estates. I have seen the balance sheet showing the bankrupt's liabilities at £180,000 or £190,000, and he always represented to me that he had £30,000 or £40,000 beyond his liabilities. For some months before the bankrupt left England he was in very bad health, having undergone an operation. I was present when the physician advised the bankrupt to leave the country for the benefit of his health. I was his client for many years, and he made all he could out of me—about £1,500 a year. After that I became on friendly terms with him. The name of Palmer and Co. was on the office I occupied in the same building as Mr. Hughes, and that was the name in which I was serving Mr. Hughes, but I had no interest in the property. The bankrupt has not paid me a single farthing for my services; but he owes me a large sum of money, between £700 and £800. I have not proved the debt because I had an object in not doing so.

Mr. Neave recalled, said:—I was the second mortgagee on the Shepherd's Bush estate, which has been realised. I concurred in that sale, and the solicitor to the assignees approved of it. (The estate here referred to was valued at £20,000, and sold for £12,000.) I have other mortgages for the sums the bills were given for. The briefs for £4,000 and £3,000 I got discounted. At the time of the execution of the mortgage for the £10,000, which I advanced on account, and was made up, I gave the bankrupt a cheque for the balance, which I think was about £2,700, leaving £10,000 of my money still in his hands. That mortgage secured to me the buildings' agreements, which the bankrupt had previously assigned to Mr. Hurst. A further sum of £4,000 was also partly secured by the mortgage on the Dalston property, and partly by mortgage on property the bankrupt had in Yorkshire. The two bills for £3,000 and £4,000 were to be paid at maturity, as I advanced the money for short periods. I may state I have taken all the mortgages of my clients upon myself.

James Brett, a sergeant in the City detective force, said:—I took the prisoner into custody, at South Yarra, Australia, and brought him to this country. I read the warrant to him at the time I took him, and he said, "I will go back with you willingly. I shall be able to put it all right. It is not forgery, because I have committed no forgery."

Mr. *Poland*.—That evidence will complete the first case, with the exception of the documents required from the Accountant-General's office, and a general statement of his affairs. I will now proceed to open other cases of obtaining money under false pretences.

Mr. Fagg, a coffee-roaster, carrying on business at George-yard, Eastcheap-street, deposed to having lent the prisoner £1,000, on the deposit of valuable deeds to double the amount, which are now alleged to be valueless. I never examined either the deeds or the memorandum of deposit until I heard of the bankruptcy. I have never received any part of the £1,000, nor of the interest. I would not have parted with my money except upon deeds of value, or property in existence.

Mr. Satchell, of 6, Queen-street, Cheapside, said:—I am a solicitor. I produce a lease, dated 23rd of June, 1855, granted by David Hughes to Catherine Jones, of 11, Highbury-grove-villas, for a term of ninety-seven years, from Michaelmas, 1849, and there is a receipt endorsed by David Hughes for £1000, consideration from Catherine Jones. The rent is £10 7*s*.

Mr. *Poland* explained that Catherine Jones was nurse-maid to the bankrupt.

Witness.—I produce a mortgage deed by Catherine Jones to John Farrance Jefferson, to secure £600. The mortgage is on the same house contained in the lease, and the receipt signed by Catherine Jones is for £650. I also produce an assignment, dated 26th December, of the same house, by Catherine Jones and John Farrance Jefferson, in consideration of £800. There are two receipts on the assigned—one by Jefferson for £650, and one by Jones for £150. The property was assigned to a Mr. Maistow.

Mr. Satchell, continued.—I produce an assignment of the 30th April, 1855, from David Hughes to Elizabeth Jermyn, as mortgage of Mr. Thos. Reeve. It is an assignment on the purchase of No. 14, Grove-villas, by Mr. Reeve, for £943, of which £250 was advanced to Mrs. Jermyn by Mr. Reeve. This deed was executed by the bankrupts, Mr. Anderson and Mr. Thos. Reeve, in my presence. I was attesting witness jointly with Thomas Richards.

Cross-examined.—The deed last produced assigns the lease, dated 28th July, 1846, from Henry Davies to Charles Haswell. It is a lease of Nos. 13 and 14, Grove-villas. It is an original lease, and may, after all, become a security.

Re-examined.—My clients have, by these deeds, the absolute interest in the term for which the property is leased.

Mr. Watson, a solicitor, of 27, Worship-street, produced an assignment of No. 12, Highbury-grove-villas, also an assignment of the same property, from Catherine Jones to James Austin, for a consideration of £900. The receipt for that amount is indorsed by Catherine Jones. It is an absolute assignment of that lease for 97 years.

Catherine Chappel, of 1, Priory-terrace, Victoria-road, Dalston, said:—I am married. My maiden name was Catherine Jones. I was in the bankrupt's service as nurse-maid during the months of April and June, 1855. I signed the various deeds, but what they were I do not know. I did not pay anything, nor did I receive any money relating to them. Mr. Hughes asked me to sign the documents.

The court rolls of the manor of Shepperton were produced. On the 13th of April the bankrupt was admitted a tenant of some property at Shepperton, on the surrender of Sir William Domville. There is an entry of the 11th of June, 1856, of the surrender of part of the before-mentioned property by the bankrupt to Mr. William Schawe Lindsay. The property comprised in the deed produced is the remainder of that surrendered on the 13th of April, 1855, to the bankrupt.

A deed of conveyance was also produced, dated 22nd of October, 1856, from David Hughes to the Rev. Anthony Kent, of freehold property at Shepperton. That deed also contains a covenant to surrender copyhold hereditaments in the manor of Shepperton. The consideration for the whole property was £1,025, of which £400 was for the freehold, and £625 for the copyhold.

Mr. Thomas James Nelson, solicitor to the assignees, said:—After the bankrupt left this country in July, 1858, Mr. Fagg consulted me relative to the deeds produced. With regard to Nos. 11 and 12, Highbury-grove-villas, they are comprised as one lease for 98 years, from 29th September, 1845, at a ground-rent of 20*l*. 14*s*. for the two houses. The date of the lease is the 16th of March, 1846. The two under leases granted to Catherine Jones are each for one year shorter than the original term, so that all that Mr. Fagg would get for his money would be one year's reversion, from 1942 to 1943. The last deed in point of date is one of July, 1849, in which Harriet Fencott assigned all the leasehold interest to Elizabeth Thomas, and it recites the leases of 11, 12, 13, and 14, Highbury-grove-villas; but I have since the last examination found the deed of assignment from Elizabeth Thomas to the bankrupt, but it was not with those deposited with Mr. Fagg. The deeds deposited with Mr. Fagg would not give him any legal title at all to Nos. 13 and 14. With regard to the copyhold property at Shepperton, the principal deed is that relating to the surrender by Sir W. Domville of property to which the bankrupt was admitted on the 13th of April, 1855. That covenant was dated 22nd of December 1854. The surrender having taken place the deed of covenant is worthless except as old parchment.

Cross-examined.—He had a perfect right to have the original lease in his possession, as he granted under leases, instead of assigning the original, which he would have had to have given up.

Re-examined.—By this lease, all that Mr. Fagg would have got for his £1,000 was one year's rent of the two houses at the expiration of 97 years, and that would be worthless, as he would by that time be liable to the covenants of the lease.

The prisoner was again remanded till Thursday next.

LAMBETH POLICE COURT.—*Oct. 4.*

Mr. Thomas John Whithgreave, 54, College-place, Camden-town, who described himself as a solicitor, but whose name we are unable to find in the *Law List*, was charged with stealing from one of the refreshment counters at the Crystal Palace a bottle, containing half a pint of sherry, the property of Mr. Frederick Strange.

The prisoner took the bottle of sherry off the counter and placed it in his breast pocket. On being detected, he said, "Here it is. I don't know how it came into my pocket." The

prisoner refused to pay 1s. 3d., the price of the wine, and was taken into custody. He said he was a solicitor, and the "Justices' Pocket Manual," and 1s. 9d. in money, was found upon him.

In answer to the magistrate, he said: "I did take the bottle, but not with the intention of stealing it; and when charged with dishonesty I did not know what to say. My friends are persons of the highest respectability. My father is a magistrate and chairman of a board of guardians; and I trust you will deal considerately with the case, as a conviction would be my utter ruin."

Mr. ELLIOTT.—You should have thought of that before. Persons guilty of such offences must take the consequences. I can make no distinction in your case, and shall, therefore, commit you to prison for one month.

EXPENSES OF HIGH SHERIFFS.—THE NEXT ASSIZE.—In the late session, complaints were made of the expenses incurred by high sheriffs at the assizes, and in the new Police Act for Counties and Boroughs a remedy is provided with respect to "javelin men." It is provided "that it shall be lawful for the justices of the peace of any county in general or quarter sessions assembled, if they shall think fit, to direct that a sufficient number of police-constables shall be employed to keep order in and within the precincts of the court of assize, and the chief constable of the county shall thereupon employ a sufficient number of constables for such purpose; and in that case it shall not be necessary for the high sheriff to provide and maintain any javelin men or other men-servants, with liveries, at the assizes." It seems that the "custom" of javelin men attending assizes commenced in the reign of Charles II. The abolition of the ceremony will not excuse the high sheriff from providing a proper escurt to her Majesty's judges, or lessen due respect being shown to those who administer the laws.

THE BROUGHAM BANQUET AT EDINBURGH.—We (*Scotsman*) understand that, as less specifically announced some time ago, the dinner to Lord Brougham, for which a requisition, from many of the leading citizens of Edinburgh, of all ranks and classes, was despatched to his Lordship several months ago, will take place on Wednesday, the 26th inst.

The marriage of the Hon. Edina Campbell, youngest daughter of the Right Hon. John Campbell, Lord Chancellor, and Baroness Stratheden, with the Rev. William Arthur Duckworth, M.A., son of Wm. Duckworth, Esq., of Orchieleigh Park, Hampshire, was solemnised at All Saints' Church, Ennismore-place, Prince's-gate, Knightsbridge, on Wednesday last, in the presence of a numerous assembly of the aristocracy to witness the proceedings.

Her Majesty has been pleased to appoint James John Hickson, Esq., to be police magistrate for the island of Grenada.

The Copyhold Inclosure and Tithe Commissioners have appointed Henry Pyne, Esq., Barrister-at-Law, to be Assistant-Commissioner.

Notes on Recent Decisions in Chancery.

(By MARTIN WARE, Esq., *Barrister-at-Law.*)

RAILWAY DEBENTURES.—NATURE OF CHARGE—PRIORITY.

Furness v. Caterham Railway Company, 7 W. R., M. R., 660.

The exact nature of the security which the holder of debentures, granted by a railway company, possesses, has often been the subject of discussion. It appears from the present case, that the holder of such debentures has no power of forcing a sale of the railway, but that, if the railway is sold for any other purpose, he has a charge on the proceeds in accordance with his priority in date over other incumbrancers. The plaintiff in this case was the holder of debentures on the Caterham Railway, and filed a bill seeking to have his security realised by a sale of the railway. The form of the debenture was a charge "upon the undertaking, and all the tolls and sums of money arising by virtue of the company's Acts, and all the estate, right, title, and interest of the company therein." The Master of the Rolls refused to direct a sale. Afterwards, the railway and undertaking were sold to the South Eastern Railway Company, and another creditor then claimed a prior charge on the proceeds of the sale over the debenture-holder, on the ground that his judgment, although of later date than the debenture, was a charge upon the land, whereas the debenture was only a charge upon the undertaking and the profits thereof. But the Master of the Rolls held that the debenture holder was entitled to priority, according to the date of his security. The distinction between the two cases is this. The debenture being a mortgage of the undertaking as a going concern, the Court will not order a sale so long as the undertaking is in a condition to be carried on; but as soon as the whole concern is sold, the undertaking is only represented by the proceeds of the sale, and the charge attaches upon them. So that debentures and judgments are equally charges upon the proceeds, and rank according to the order of their date.

COSTS.—ABANDONED MOTION.

Beckes v. Liverpool Borough Bank, 7 W. R., V.C.W., 666.

A point respecting the costs of an abandoned motion which arose in this case, deserves a short note. A motion for an injunction was made by the plaintiff before the answers were put in, but the motion was abandoned in consequence of its being found necessary to amend the bill. The bill came to a hearing on motion for decree, and was dismissed with costs, but the defendants did not ask for the costs of the abandoned motion, being apparently under the impression that they would be included as of course in the costs of the cause. As however, these costs were not allowed, the defendants subsequently moved that they should be paid by the plaintiff. The Vice-Chancellor refused the application, observing, that the proper course in such cases was to ask for the costs of an abandoned motion at the next seal. He was inclined to think that it would have been too late to make it at the hearing; but at all events it was too late subsequently to the hearing.

CHARITY.—DOCTRINE OF CY-PRES.—SURPLUS INCOME.

Philpott v. St. George's Hospital, 7 W. R., M. R., 659; *Re Ashton's Charity*, ib. 660.

The judgment of the Master of the Rolls in these cases, which were decided at the same time, contains some valuable observations on the doctrine of cy-près, as applied to schemes for the regulation of charities. After stating that it had been too much considered of late, that, whenever the Court had to direct a scheme for the regulation of a charity, it had power to deal with the property just as it pleased, he said: "A more erroneous opinion, and one less in accordance with the decisions of the Court in charity cases, can hardly be conceived; but the confusion and error have arisen from this, that in certain cases the Court has full power to do as it pleases where it prepares a scheme, and that in other cases it has not. The distinction is this. If the testator has by his will pointed out clearly what is intended to be done, and his directions are not in opposition to the laws of this country, this Court is bound to carry them into effect, and the Court is not at liberty to speculate whether it would have been better for the community, if a different application of the charity fund had occurred to the mind of the testator. Accordingly, the Court has had before it instances of charities of the most absurd description, which the Court has considered itself bound to carry into effect. But where a testator devotes funds to the purposes of charity generally, without specifying any particular charity, and the Queen, by her sign manual, directs the charity to be carried into effect by the Attorney-General, or by the Court, then the Court has full power to adopt any scheme which the Attorney-General may suggest as expedient. So also if there are accretions to a charity which are not specifically disposed of, the Court in that case may act according to its discretion. So also where the object of the charity entirely fails. In all these cases the Court, according to what is called the doctrine of cy-près, is empowered to frame a scheme which shall carry into effect, consistently with the laws of the country, the views of the Attorney-General."

These principles were exemplified in the two cases before us. In the first (*Philpott v. St. George's Hospital*), the testator had given £60,000 for the endowment of certain almshouses for twelve or more poor men and women. The Attorney-General wished for a scheme by which some of the money should be expended in attaching an infirmary or hospital for the sick poor to the almshouses. But the Master of the Rolls held, that the testator's directions being clear, that the money should be spent upon such almspeople as the trustees should select, without reference to their state of health, refused to sanction the proposal of the Attorney-General.

On the other hand, in *Re Ashton's Charity*, where the testatrix, by her will, dated in 1714, gave the rents of certain lands to be divided among six almswomen, and the value of the property turned out to be much larger than was necessary for their support, the Master of the Rolls held that it could not

have been the intention of the testatrix that the whole should be divided among these poor women, and that, the surplus being undisposed of, the Court had an absolute discretion to dispose of it for charitable purposes. He, therefore, directed it to be expended in the establishment of a school at Dunstable, the residence of the testatrix.

Notes on Recent Cases at Common Law.

(By JAMES STEPHEN, Esq., *Barrister-at-Law, Editor of "Lush's Common Law Practice," &c., &c.*)

LIMITATION OF ACTIONS, LAW AS TO—EFFECT OF DEATH PENDENTE LITE.

Sturgis v. *Darvell*, 7 W. R., Exch., 694.

This was a case in which the law of limitations of action was discussed—a difficulty therein having arisen in consequence of a difference used in the language in the statute of William IV. on this subject, with respect to specialties, and that of the Act of James I. with respect to debts on simple contract. An action was brought by the assignee of A. against the administrator of B., upon a bond made by B.; and to this was pleaded the Statute of Limitations, the cause of action not having accrued within twenty years next before the commencement of the suit. It was replied, that an action on the bond had been duly brought within the proper time in B.'s lifetime, but that such action had abated by reason of B.'s death; and that "within a reasonable time," viz. within the space of one year after administration was granted to the defendant, the present action was commenced. The question whether this was in law a sufficient answer to the plea, now came before the Court on demurrer to the replication. The plaintiff relied upon the recent case in the Queen's Bench, of *Curlewis* v. *Mornington* (26 L. J., Q. B., 181; 27 L. J. 439), establishing, as was alleged, the general principle that if an action be commenced within the time of limitation, proper to the cause thereof, and be abated by the defendant's death, a fresh action commenced against his personal representative within a reasonable time will not be answered by the fact that more than the period of limitation has elapsed since the action originally accrued. The defendant, on the other hand, urged that the case cited arose on a simple contract debt, with respect to which, the period of limitation being shorter, a more liberal construction of the statute might be proper. The Court of Exchequer, however, preferred to treat the question as already decided (till dealt with afresh in a court of error), and gave judgment for the plaintiff against B.'s administrator. They intimated, however, that they by no means considered the question as one free from doubt, because the statute of 3 & 4 Will. 4, regulating actions on specialties, did not contain (as did the statute of James with regard to actions on simple contracts) any express provision for commencing a second action within a reasonable time of the abatement of the first by the defendant's death; and in giving judgment for the plaintiff, they were mainly influenced by considering the great hardship and unreasonableness of holding that time tells against a man, who can do nothing to help himself while it is going on, "to say that, though there is no person in existence that you can sue, yet, because the statute had begun to run, and had run for a day or a month, during which there was a person in existence who could be sued, it should continue to run as if there was a person who might be sued."

It is to be observed that the particular question raised in the present case can now only arise in the case of actions abated by the defendant's death prior to the year 1852, as it formed one of the provisions of the Common Law Procedure Act of that year, that the death of the defendant pendente lite should not for the future cause the action to abate, but that the proceedings might be continued according as to whether the deceased was one of several or the sole defendant; and that in the latter case, provided the action be of a nature to survive against the personal representatives of the original defendant, then that the plaintiff might suggest the death of the defendant in the pleadings if the cause had not arrived at issue, or in a copy of the issue if it had so arrived, and that some person named in such suggestion is the executor or administrator of the deceased; and that if this course was pursued the original proceedings might go on against the person so named without commencing a fresh suit.

PRACTICE—CA. SA. FOR JUDGMENT UNDER £20.

Brooks v. *Hodgkinson*, 7 W. R., Exch., 735.

This was an action for assault and false imprisonment, to which it was pleaded that the acts complained of were done under the authority of a ca. sa. issued against the plaintiff on a judgment recovered against him by the defendant for the sum of £13. To this plea the plaintiff replied that the judgment had been recovered for a sum less than £20, exclusive of costs, since the passing of 7 & 8 Vict. c. 96, s. 57; by which it is enacted that no person shall be taken or charged in execution upon any judgment, "in any action for the recovery of any debt wherein the sum recovered" shall not exceed that sum. To this replication it was in effect rejoined, that as the writ of ca. sa. had never been set aside (as it was alleged, it might and ought to have been by the defendant, if he intended to rely on the above provision), it still, while it subsisted, afforded a justification for acts done under it. The Court, however, observed that whatever the sheriff might make of this, had the action been brought against him for the trespass, it afforded no answer to an action against the judgment creditor, for the injury committed by him in causing a person to be taken in execution upon a judgment less than £20, and thereby violating the express enactment of the Legislature. It may be remarked that it was held in a recent case, *Collett* v. *Foster* (L. J., Exch., 412; 5 W. R. 790), that a client is liable for the act of his attorney in suing out a ca. sa. on a judgment under £20, and that an action for false imprisonment is maintainable against him for an arrest under the writ. This was so decided without reference to the interference or knowledge of the client, as the relation of attorney and client differs in this respect from other agencies; though, on the other hand, where the issuing of the irregular writ is in point of fact the act of the attorney himself, without consulting his client, and the latter is held liable at the suit of the party arrested, an action for negligence against the attorney would, it is apprehended, be maintainable at the suit of his client.

The Law of Attorney or Solicitor and Client.

(By J. NAPIER HIGGINS, Esq., *Barrister-at-Law.*)

XI.

PROCEEDINGS BEFORE JUDICIAL TRIBUNALS.

(*Continued from page* 888.)

Attorney's lien on fund in court (continued).—Sir J. Wigram, in *Hall* v. *Laver* (1 Hare, 577), adopts the doctrine of *Bacon* v. *Bolland*, and *Lann* v. *Church*, ante, p. 888, and held that in strictness, the lien of a solicitor upon a fund recovered by his diligence is confined to the costs of that very fund. Nor does the general lien of a solicitor on papers, &c. of his client, in the solicitor's hands, not extend to a fund which the client can reach, without the assistance of the solicitor, or the use of the papers in his possession; *Hodgens* v. *Kelly* (1 Hog. 388). Neither has an attorney any lien on his client's money in the attorney's hands, beyond the amount in which the latter is indebted to him; *Miller* v. *Atlee* (3 Exch. 799). And a solicitor has no lien on a fund received by his client for compromising a suit, where it is clear that the result of the suit, if successfully prosecuted, would not have been to realise a fund on which the lien might attach; *Townsend* v. *Reade* (4 L. J., N. S., Ch. 233). But the solicitor's lien on a fund recovered applies in equity to the defendant's, as well as the plaintiff's solicitor; *Townsend* v. *Reade* (supra). The official assignee of a client has no right to money in a solicitor's hands, without satisfying his lien, *Ex parte Bowden* (2 D. & Ch. 182); *Jones* v. *Turnbull* (5 Dowl. 591).

Attorney's lien on estate recovered.—In *Barnesley* v. *Powell* (Ambl. 102), it was held that a solicitor prosecuting to a decree, has a lien on the estate recovered in the hands of the person recovering for his bill, although not in the hands of the heir; but that if the suit be revived, the lien revives; and in *Gibson* v. *Turwin* (3 Atk. 720), Lord Harkwicke held that a solicitor who is in disburse for his client has a right to be paid out of a duty decreed to an administrator, and has a lien upon it before the bond creditors of the deceased, and that the administrator could not controvert this rule by insisting on applying the assets in a course of administration. But in the recent case of *Shaws* v. *Neale* (6 H. of L. Cas. 589), it was distinctly held that an attorney has no lien on an estate recovered, in respect of the costs and expenses incurred in recovering it, but only on such papers as he may get into his hands; so that *Barnesley* v. *Powell* may be taken to be expressly overruled.

Attorney's lien not barred by the Statute of Limitations.—A lien is not barred by the Statute of Limitations. *Higgins* v. *Scott* (2 B. & Ad. 413); *Spears* v. *Hartley* (3 Esp. 81); *Re Broomhead* (5 D. & L. 355).

Thus where the attorney of the plaintiff died during the progress of the suit, and a new one having been appointed, more than six years afterwards, funds were brought into court by the receiver in the cause, it was held by the Irish Court of Equity Exchequer that the personal representative of the deceased attorney had a lien on the funds for the costs of the suit due to the attorney at the time of his decease; *Kellett* v. *Kelly*, 5 Ir. Eq. R. 34.

Attorneys' lien on trust estate.—A solicitor employed by a trustee has no lien for his costs upon a trust fund not administered in court, although the trustee paying those costs himself might retain them out of the fund; *Worrall* v. *Harford* (8 Ves. 4). And although in a suit to administer a trust estate, the trustee may, if he pleases, claim all his costs, charges, and expenses as a trustee, if he do not choose to extend his claim for costs (as such trustee) beyond the costs of the suit, his solicitor cannot insist upon his doing so; nor can he claim a lien upon the trust fund except for the costs of the suit; *Hall* v. *Laver* (1 Hare, 577); and where a testator had devised estates to trustees, upon trust to receive the rents and profits, and pay and apply two-thirds thereof to the plaintiff, and the remainder to the testator's widow for her life, and after her decease he devised the estates to the plaintiff in fee; and the trustees deposited the deeds with the defendant, an attorney, for purposes connected with the trust, upon which, therefore, the defendant claimed a lien, Lord Abinger, C. J., held that whatever the powers of the trustees were, this was the case of a mere personal debt due from them to the solicitor. To have held otherwise, his Lordship considered would be to enable them in effect to create an equitable mortgage of the estate by a deposit of the title deeds; *Lightfoot* v. *Kease* (1 M. & W. 745).

Attorney's lien as affected by set-off between parties.—By the 93rd Reg. Gen. Hil. Term, 2 Will. 4, "no set-off of damages or costs between parties shall be allowed to the prejudice of the attorney's lien for costs in the particular suit against which the set-off is sought; provided nevertheless, that interlocutory costs in the same suit, awarded to the adverse party, may be deducted."

This rule, however, only applies to cases of set-off between *adverse* parties. Thus, where a verdict was found against one of three defendants and in favour of the other two, the costs of the two were deducted out of the plaintiff's costs and damages against the one, without regard to the lien of the plaintiff's attorney; *George* v. *Elston* (3 Dowl. 420). And says Tindal, C.J., "the 93rd rule only applies to the set-off of damages or costs between the same parties *in different suits:* here the set-off sought is of costs incurred in the same suit. The case, therefore, rests upon the principle that obtained before the making of the rule." And so where some defendants go to trial and obtain a verdict, but another suffers *judgment by default*, the Court will permit the costs and damages, on the judgment by default, to be deducted from the taxed costs of those who had a verdict; *Scheele* v. *Noble* (1 H. Bl. 23). The decision in *George* v. *Elston* was confirmed by the Court of Queen's Bench in *Lees* v. *Reffitt* (3 Ad. & Ell. 707). There L. sued K. & R. in trespass; they severed in their defences, and appeared by different attorneys, the verdict being for L., against K., and for R. against L.; it was held that R's costs might be set-off against the damages and costs recovered by L. against K., and that the lien of K.'s attorney upon such damages and costs was so far defeated; *Lees* v. *Reffitt* (3 Ad. & Ell. 707).

Costs of issues in fact found for the plaintiff, and costs of a *judgment on demurrer* given for the defendant, in the same suit, are "interlocutory costs" within the meaning of the ninety-third rule, and therefore may be set-off against one another without regard to the attorney's lien; *Scott* v. *Richsbourg* (11 C. B. 447). In delivering his judgment, Maule, J., says, "I think the interlocutory costs mentioned in the ninety-third rule are all the costs the right to which has accrued to either party before the final completion of the last stage of the suit—that is, before the ultimate judgment of the Court upon the whole record. Everything anterior to that is, in my opinion, 'interlocutory costs' within the meaning of the rule."

In *Dunn* v. *West* (10 C. B. 420) a cause and all matters in difference between A. and B. were referred to an arbitrator, who had power to direct the verdict to be entered for A. or for B., the costs to abide the event of the award: the arbitrator directed a verdict for B., and awarded that a sum was due from B. to A. in respect of the matters in difference: and the Court of Common Pleas held that B. was entitled to deduct from the sum so awarded to be paid by him the amount of his taxed costs of the cause, without regard to the lien of A.'s attorney for his costs of the cause and of the reference, the Court being of opinion that his lien was not protected by the ninety-third rule Hil. T., 2 Will. 4; and see *Holcroft* v. *Manby* (7 M. & Gr.); and where an application was made to set off costs and damages in one action against those recovered in a cross action, it was held that the attorney has a lien on the judgment obtained by his client against the opposite party of the extent of his costs of *that cause only*; *Stephens* v. *Weston* (3 B. & C. 535); and see *Mitchell* v. *Oldfield* (4 T. R. 123); *Rastle* v. *Fuller* (6 T. R. 456); *Howell* v. *Harding* (8 East. 363).

Where the defendant has been entitled to costs, and these have been deducted from the plaintiff's costs, and an allocatur given for the balance, if any money has been previously paid by the plaintiff to his attorney, such money must be deducted from the amount of the allocatur, and the lien of the attorney will be limited to the amount of the final balance; *Cain* v. *Adams* (2 Har. & Woll. 288). In *Howell* v. *Harding* (8 East. 363), it was held, a plaintiff is entitled to set off *interlocutory costs* in the same cause payable by him to the defendant, against the debt and costs recovered by him on the final result of the cause, notwithstanding the objection of the plaintiff's attorney, on the ground of his lien. The Court in that case was of opinion that the attorney's lien attaches only upon the balance of the costs accruing in the same cause, which are ultimately to be paid over; and that the cause is not to be split, so as to give the attorney of either party a lien upon interlocutory costs, although ultimately his client should be bound to pay costs to a greater amount to the adverse party; that the lien of the attorney is entire, not one lien upon the costs of the declaration, another upon the costs of the plea, and so on. But in *Cowell* v. *Betteley* (10 Bing. 432; 4 Moo. & Scott, 265), it was held that, where upon a reference of two causes, damages in respect of the first being ordered by the award to be set-off against costs in the second, it could only be done subject to the lien of the attorney of the plaintiff in the first case for his costs. "The question," said Tindal, C.J., "is, whether the *jus tertii* of the attorney is to be governed by the act of the arbitrator, contrary to the express provision of a rule of court. . . If there had been no arbitration, the parties could not, by their own agreement, divest the attorney of his lien on the judgment; neither can they do it by referring to arbitration." In *Dowell* v. *Helyer* (2 Dowl., P.C.) Pattison, J., also refused to allow one judgment to be set-off against another, except on the condition of satisfying the attorney's lien. So, in *Caddell* v. *Smart* (4 Dowl., P. C., 760), where the costs of a suit were allowed to be set-off against a sum due from the defendant to the plaintiff on another account, such set-off was declared to be subject to the lien of the plaintiff's attorney, the cause and all matters in difference having been referred, and the arbitrator having ordered a verdict to be entered for the defendant, but found that the defendant was indebted to the plaintiff on other accounts. The decision of the Court of Common Pleas in *Doe* v. *Swinton* (5 Dowl., P. C., 26) is also to the same effect. There, on a reference to arbitration of an action of ejectment and all matters in difference between the parties, the arbitrator directed that a sum of £50 should be paid by the lessor of the plaintiff to the defendants, by way of compensation for certain buildings erected by them, and that a verdict should be entered for the former; and, on motion, the Court directed the sum awarded to the defendants to be set-off against the costs of the lessor of the plaintiff, but *saving the lien of the attorney*. But see *Figes* v. *Adams* (4 Taunt. 632).

Money, the produce of a fi. fa. against the defendant's goods, and remaining in the sheriff's hands, cannot be seized under a fi. fa. against the plaintiff at the suit of another party, by virtue of s. 12 of stat. 1 & 2 Vict. c. 110: the Court of Queen's Bench, therefore, in *Wood* v. *Wood* (7 Jur. 325), ordered that the whole sum should be paid over to the plaintiff, without regarding the lien of the attorney, in the cause in which the money had been levied, on the judgment for his costs.

Assignment of attorney's lien.—Although a solicitor's lien is a dormant security, yet he may assign a debt due to him for costs, with the benefit of any lien which he may have upon any documents for such costs; and as against the debtor, the claim is equally valid whether the deeds are in the actual possession of the solicitor or of his assignee.

THE EYNSHAM COMMISSION.—The Vicar of Eynsham has been served with a notice that the commission of inquiry into the charges alleged against him by the late churchwarden, Mr. Jos. Druce, will be held at the Red Lion, in Eynsham, on Friday, the 14th inst. The vicar, under the provisions of the statute, has intimated to the commissioners his determination that the proceedings shall be public.

Communications, Correspondence, and Extracts.

CERTIFICATES OF ACKNOWLEDGMENT BY MARRIED WOMEN.

To the Editor of THE SOLICITORS' JOURNAL AND WEEKLY REPORTER.

SIR,—I beg to refer "A Subscriber" to Dart on Vendors and Purchasers, 3rd edition, p. 463, where it is stated, that "in the absence of any express agreement the costs of perusal and execution by all necessary conveying parties fall on the vendor, including, it is conceived, the costs of all matters essential to the validity of the deed as a perfect conveyance—e. g. the acknowledgment by married women, and the filing of the certificate of acknowledgment."—Yours obediently, S.

October 3, 1859.

To the Editor of THE SOLICITORS' JOURNAL AND WEEKLY REPORTER.

SIR,—For the information of your correspondent, "A Subscriber," I beg to state that the rule and practice is to throw the costs of acknowledgment of deeds by married women upon the vendor, unless he has protected himself by a special condition. The purchaser has nothing whatever to do with such costs, as they are rendered necessary to perfect the title of the vendor. —I am, Sir, your obedient servant, CHARLES L. HUGHES.

Lincoln, October 3, 1859.

PROPERTY IN VESSELS.

To the Editor of THE SOLICITORS' JOURNAL AND WEEKLY REPORTER.

SIR,—Will any of your readers be kind enough to inform me whether the value of vessels belonging to an English port, but out of the kingdom, at the time of the death of the owner, should be included in the amount under which the estate is sworn? The present oath is more general in its terms than the old one, and would seem to include all property, wheresoever situate.—Your obedient servant, W.

CIRCUIT REMINISCENCES BY THE RIGHT HON. SIR JOHN T. COLERIDGE.

The autumnal session of the Exeter Literary Society was opened on Wednesday by a paper on the above subject by the Right Hon. Sir J. T. Coleridge. The chair was taken by John Sillifant, Esq., the president of the society, and the room was crowded to excess.

Sir JOHN COLERIDGE, who, on rising, was received with loud cheers, said:—I have announced as my subject "My Recollections of the Circuit." Perhaps the circuit, more than any other part of a lawyer's career, presents matter of popular interest. It is that which brings the law more intelligibly and vividly into operation before the eyes of the people than any other part of its whole machinery, and whether, as regards the barrister or the judge, the recollections of it will be more personal. Let me explain what I mean by this, and I am desirous of doing so to avoid misconstruction. Although now retired from the profession, I do not feel that I have acquired any larger limit in disclosing what I have taken part in or been witness to than if I were still a member of the Queen's Bench. What I could not properly disclose then I must still abstain from talking about now in mixed company. I am sure you would not desire me to break through so obvious and imperative a limitation. But there need never be any reserve as to the personal experience and recollection of the barrister or judge in respect of things which he sees passing before him publicly on the circuit. He will not have to reveal any matter which might impair the authority of judgments or be painful to the feelings of survivors, all which of course have their seal set upon them. My honoured friend, the late Mr. Justice Park, used to fancy that the origin of the circuit might be found in Holy Writ, in the example of Samuel, of whom it is recorded that "he went from year to year in circuit to Bethel and Gilgal and Mizpeh, and judged Israel in all those places, and his return was to Ramah, for there was his home, and there he judged Israel." Josephus makes the parallel still more close, because he states in his "Antiquities," that Samuel made his circuit through the cities twice every year. This is certainly a case in point, and may be the first example. But we need hardly go so high or so far for authority. Wherever the territory of a state extends to any considerable distance from the seat of Government, it is among the most obvious and early suggestions of civil polity. To remedy in some way the inconvenience of compelling all complainants, and all litigant parties, witnesses, and others, to resort for the administration of justice to the centre—in the popular phrase, to bring justice home to the door of the subject, must be in theory, with proper limitations and safeguards, always desirable; and in this country, where the institution of the jury in some form—rude, indeed, and with somewhat different attributes from those of the present jury—was in force from a very early period, there was an additional reason originally, as perhaps you know. The jurymen repaired to London, or wherever the Court sat, and the case was tried there—as causes of importance still occasionally are at the bar of the Court and before all the judges of it. The manifest inconvenience of this, and the necessity for trying some causes on the spot, gave early rise to the periodical visit of judges commissioned for the purpose of trying the disputed facts, and so by degrees, which I need not stop to explain to you, to the circuits as at present constituted. You need not be afraid that I am going to weary you with legal antiquities—or make an absurd attempt at teaching you the law even on any one point, however narrow, in a single lecture, and yet I must ask you for a moment to consider the peculiar good fortune of our country in this respect. It is sufficiently large and its interests are sufficiently varied to give to the administration of the law importance, breadth, freedom from the ill influences of local and personal prejudices and passions. At the same time it is not so large but that a very moderate number of judges—superior judges—are sufficient both to transact the common business and decide the strictly legal questions of law from time to time arising; and also to divide the country among themselves for the holding the assizes and disposing of questions of fact in the several counties. For both purposes fifteen individuals suffice. Their elevated position, their usual residence in London, and their practice of varying their choice of circuits, effectually remove them from local influences; while nothing can be so favourable to the preservation of general uniformity of the decisions as the fact that they have been trained in one school—that they go out from one centre—at which they ordinarily expound the law—are in constant intercourse with each other—that they return to that centre after each circuit, and are liable to have their decisions while out canvassed and re-considered. In a larger kingdom, as in France, this cannot be. There there must be—and there are—several independent centres not bound by the decisions each of the other. I have mentioned the elevated position of the judges, and in this too, I think, we are fortunate. It is well that it should be raised as it is, for it ensures in general the promotion of eminent men. It would be attended with bad consequences, in my opinion, if it were raised higher. In the administration of justice it is of immense importance that the judge should be treated with deference by those who practise before him, but it is also important that they should approach him and deal with him with perfect though respectful freedom. Nothing is so remarkable, I think—and few things so usual—as the happy mixture of deference and freedom which are apparent in the intercourse of the judge and the bar who practise before him. His opinion on legal questions must for the time necessarily prevail, but this is always on the understanding that it may be questioned hereafter. And in the meantime no one hesitates to press his own view freely, and to make it morally certain that the judge shall not, through haste or carelessness, be ignorant of the point on which the counsel intends hereafter to rely. Thus business proceeds at the time, but subject to more deliberate review thereafter. Many things—railways especially—have materially changed the circuit since I first joined the Western Circuit. Then we assembled usually in nearly our full number, at Winchester, and continued together till the close in Somersetshire. Our number somewhat diminished in Cornwall. The facilities which railways afforded made the attendance somewhat less regular, and in consequence the moral influence of the body on its members is much diminished. We met usually in high spirits, and there was much excitement on the

whole round. Those who were in full business were not the least merry or regular at the circuit mess. There were the aspirants, men who were beginning to rise into notice—full of hope and interest. There were the very young men—young at least, according to legal calculation, for whom the novelty of the life and the business in court, were in themselves a continual treat, who found in watching the proceedings, or the displays of eloquence and skill in the leaders, or of learning in the juniors, both instruction and amusement—to whom the mere novelty and strangeness of the whole scene around them were pleasure enough. True there were necessarily some few who were growing old in heartless disappointment; some whose hearts were sick with hopes again and again deferred; and when to this was added—as was sometimes the case—the thought of a wife and children at home, dependent upon the husband's success in his profession, or the pressure of means so scanty, that the candidate might soon be compelled to abandon the struggle altogether from inability to meet its expenses, it cannot be denied that there were elements of sadness to qualify the apparent general light-heartedness of our body. But it must be said that trials such as these—among the severest, perhaps, to which men can be exposed—were in general gallantly borne, and the feelings of disappointment, anxiety, or distress so nobly concealed that to the many they were unknown. The few sympathised with the sufferers, and rendered whatever comfort, kindness, and encouragement could afford—and not a little was done by the successful men in this way as opportunity afforded. Our circuit, in respect of the country we travelled over, was very interesting. Besides the character of the towns themselves, and the beauty of the direct routes from place to place, at every point there were off-lying objects and places to which we wandered as time and leisure allowed, in small parties. The Isle of Wight, Weymouth, Lyme, Sidmouth, and Exmouth. Plymouth by one route into Cornwall, or the Moor and Tavistock by another—the north coast of the two counties—the Quantock and Cheddar, all these, in turn, a circuiteer might hope to visit in the course of this or that circuit. I have alluded to the expense. This was certainly not a few a serious inconvenience. Indeed, it was not entirely considered that the whole body of circuiteers went in the several counties more than the whole body received in them. "Our circuit" was a somewhat stately affair. The judges did not post, but travelled with other hacks, drawn by their own four in hand. The barristers posted or rode. It was a tacit rule not to travel from place to place in any public conveyance. The "leaders" always had their private carriages, and some of them their saddle horses also. Our mess was rather an expensive one, and we had our own cellar of wine at each circuit town. This was under the care of our "wine treasurer," and a van, with four horses, attended us, under the superintendence of our baggage master. There were our two circuit officers, two of our own number upon whose arrangements we depended much for our comforts, and to whom we looked on our "grand day," which we always kept at Dorchester, not merely for an account of their own departments, but also for the introduction of new members, and an account generally given with much point and humour of preferments, promotions, marriage, and any other incidents which might have befallen any of the members since the last circuit—"offences" these, as we called them, always expiated by contributions to the "wine fund." The leader of the circuit was the barrister highest in rank. He was expected to be a frequent attendant at the mess. To him application was first made in disputed points of professional etiquette, and he was expected to watch over the interests, character, and conduct of the circuit. The judges, I have said, travelled with their own four horses. I may mention also, as a little circumstance now passing in oblivion, that they travelled with their own "four wigs also." The brown scratch for the morning when not in court, the powdered dress wig for dinner, the tye-wig with the black cuff when sitting on the civil side of the court—the full-bottomed one which was never omitted for the Crown side. Those were days, you know, when gentlemen in common life wore coats of every colour, but we always dined with the judge in full dress. Some judges, indeed, were strict in their notions as to the dress of the bar at other times. I remember once, when a party of us halted at Blandford, for luncheon, on our way from Salisbury to Dorchester, at the same inn at which their lordships were resting for the same purpose. We strolled out while our repast was being prepared, and met them. One of our number had a black silk handkerchief round his neck, and a blue cloth cap with a gold lace band on his head. We observed that one of the judges drew up at this. It chanced that a few minutes after a recruiting party marched down the street with drum and fife, and at our luncheon the butler appeared with a demure face to say, with his Lordship's compliments to the gentlemen of the bar, that as some of them seemed to have a military turn, he sent to say that there was a recruiting party in the town, and they might perhaps like to take the opportunity of enlisting. I cannot say the law was ever a hard mistress to me; and she did not allow me long to languish in idleness, nor ever suffer me to be without hope. But, of course, I had many idle days, and I was rather fond of note-taking as a very instructive practice, whenever the case was an interesting one, and I found great benefit from it when the facility of taking an accurate and full note rapidly became of the greatest importance in the course of my after life at the bar and on the bench. Let me now give you the substance of a note which I made at the Exeter summer assizes of 1829, of a trial for murder. John Chapman was charged with the murder of his wife by shooting her; and there was no doubt of the fact. The only question was whether the circumstances were such as amounted to murder, or manslaughter only. It appeared that his wife Sarah was a handsome person, and that he was devotedly attached to her. They had been married about nine months. His behaviour had been uniformly most affectionate. He was sober and industrious, and, as one of the witnesses for the prosecution said, he made nine days' work in the week to provide for her comfort. But this affection was not returned. She became notoriously attached to a man named William Robinson. In the afternoon of the 20th of May, at a public house, the three were present with others in the same room; and she went through the ceremony of a mock marriage with her paramour. She sat with her arm over his shoulder, and when her husband in tears expostulated with her, and offered her his forgiveness if she would but quit Robinson and return to him, she jeered at him and flung beer in his face. Then she rose up and called to Robinson to come with her, and they two went away together on the road. The unhappy husband, after following them with entreaties and threats for some distance, turned round and ran furiously in an opposite direction, and before long returned with a gun in his hand, and, calling to his wife, told her he would shoot her unless she left Robinson and came with him. This he repeated several times. She only laughed at him. He levelled his piece, and she was a corpse before his eyes in an instant. It appeared that he had run nearly half a mile to the farm-house where he laboured—rushed to the corn chamber, with which he was familiar—seized a gun which was kept there—leaped from a height of fourteen feet to the ground—and in a seemingly frantic state retraced his steps, and overtook his wife. There was no evidence that he had loaded the gun—no conclusive evidence that he knew it was loaded; but it was proved that it had been left loaded in the place from which he took it, at the latter end of March, by another labourer who had been bird-shooting. When the deed was done he seemed scarcely aware of its nature, and, on coming to himself, bitterly deplored the death which his own hand had caused. These were the facts. Nothing could be more simple. Scarcely any, I think you will agree with me, could be more affecting. The infatuated husband who in a moment of passion—under maddening provocation—had taken the life of the heartless wanton, whom he loved only too fondly, standing at the bar of justice in hazard of losing his own by an ignominious death for the act. I remember well how deep the impression was in a crowded court on all classes of people there assembled. But none felt it so deeply as the judge, and he was the object who mostly arrested my attention. Sir John Richardson was that judge. He never was a leader at the bar, and ill-health drove him so soon from the bench that many of you, perhaps, have never heard his name before. I know him very little then, but in after life I had the privilege of knowing him well. He was a thoroughly instructed lawyer, an accomplished scholar, and a man of the soundest judgment—a tender-hearted, God-fearing man. He entered with his whole soul into the fearful circumstances of the case. But he was there to do his duty—however painfully—and as a lawyer he knew that the provocation given could not excuse the act, if committed wilfully and knowingly; and he, therefore, honestly told the jury that if they believed the story told by the witnesses, and that the prisoner, knowing the gun to be loaded, took it in his hand and set out in pursuit of his wife—with intent to shoot her and take her life, if he could not prevail upon her to come back with him, the act amounted to nothing less than wilful murder. The jury found the prisoner guilty of manslaughter, and I never shall forget the effect produced by the judge's sentence. He was a meagre man, very pale, with eyes brightened by the constraint

he was putting on his feelings—and perhaps by the first approach of the complaint which prevented his ever going another circuit. His voice was hollow and broken, as amid the death-like silence of the court he told the unhappy man that he saw his misery, and desired not to add to the sorrows of a broken heart. But that the verdict might not be misunderstood and be mischievous to others, he must tell him that the jury could only have acted rightly on the belief that he had not intended at the time to commit the fatal act, and was not aware at the time that the gun was loaded. "The law," said he, "makes no allowance for the mere indulgence of passion—no man—no injured man—no injured husband—capable of receiving, and fearing to receive the greatest of human injuries—has a right to take the law into his own hands, and wreak his vengeance by taking away human life. Had the jury found themselves warranted in returning a verdict of wilful murder, nothing could have interposed between you and an ignominious death." My record of this sentence will explain sufficiently why I have repeated this story to you. In practice, our law on homicide has been administered with a greatly increased spirit of mercy since the days of Richardson—administered in practice by the jury—but it remains in truth unaltered; and it is well for every one to disabuse himself of the mischievous notion—if he entertains it—that merely because he receives a great provocation, which puts him into a violent passion, and he thereupon avenges himself and kills the party provoking him, he is not to be considered in law a murderer. Let me now pass to the other side of the court. No civil case, I think, interested me more than one tried in Cornwall, in the summer of 1821, by Mr. Justice Best, afterwards Chief Justice of the Common Pleas, and Lord Wynford. His part, however, in the trial, was not a very conspicuous one, as it turned entirely upon facts, and the facts, though strange and complicated, came out at last so overwhelmingly clear, that the jury relieved him from summing up. The story was this. There was, and still is, a highly respectable family in Cornwall to which I shall give the name of Robinson. They had property in that county and this, but their residence was in Cornwall. The father, William, had two sons—William the eldest, Nicholas the younger—and two daughters, who grew up. He settled his landed property upon William, and his issue male—failing these on Nicholas and his issue male—and then on the two daughters equally. William was to be the squire, and Nicholas was placed with an eminent attorney, at St. Austell, as a clerk, and with some hope of being admitted into partnership ultimately. The five years of clerkship were drawing to an end in the summer of 1782. He had conducted himself well, was a respectable, intelligent young man, and his master, who was an old friend of the family, was much attached to him. The harmony between the two, and between Nicholas and his family, was broken by the discovery that he had become attached to a young woman at St. Austell—a milliner or a milliner's apprentice. It was the subject of much dispute and distress. The Robinsons set their faces decidedly against the marriage. The master interposed, told him that if he formed that connexion he must not hope to form any with him, and finally succeeded in obtaining something like a promise from him that he would break off the engagement. He would be of standing to be admitted as an attorney in November, 1782, and the family was glad to get him out of the way, and he was sent to London in August to the London agent of the Cornish family. There he stayed and wrote letters—unhappy letters—from time to time to his friends, and among others to his old master. In November he was admitted attorney of the Courts of King's Bench and Common Pleas, and thenceforward he was no more seen or heard of by any member of his family or by any former friend. All scent failed. No trace could be made out. Even love died out in the young milliner's breast, and she married the master of a trading vessel. In the course of time old Mr. Robinson died. William succeeded to the property, never married, and died in May, 1802. I mentioned that there were two sisters; their names, I think, were Elizabeth and Mary Ann. At the time of William's death they were both married to very respectable clergymen in this county. Twenty years had now nearly elapsed since anything had been heard of Nicholas, who was entitled to the property, if alive. They took possession, and for nearly twenty years more no claim whatever was made to disturb their enjoyment. But early in 1783, a young man, whose look and manner were above his means and station, made his appearance as a stranger at Liverpool. He called himself "Nathaniel Richardson." (You will observe the initials.) He procured a carriage and a pair of horses, and plied in the streets as a hackney coachman. He was civil and sober, prudent and prosperous. His hackney coach after a short time was converted into a diligence, which went to London, he driving it during certain stages. He married, and had children. He gradually grew into a considerable proprietor, and bought and sold horses largely, until, having gone into Wales for the purpose of purchasing horses in 1802, and returning in July of that year, he was drowned by an accident in the Mersey just two months after the death, as you will remember, of William Robinson. And now in 1821 it was said that this Nathaniel Richardson was Nicholas Robinson, and his eldest son it was who claimed the property. How was this identity to be made out of Nicholas Robinson and Nathaniel Richardson? Nearly forty years had elapsed since any one had seen or heard of the former under that name. No witness could be produced who had seen the former in Cornwall, and the latter at Liverpool, and could say that they were the same persons. Yet it was made out conclusively, and the case presented a remarkable instance of the force of evidence of a vast number of small circumstances, all pointing to one conclusion, many of them of light weight taken by themselves, yet all, when added together, compelling the mind's assent to the proposition for which they were adduced. The Cornish witnesses and the Liverpool witnesses agreed in their description of the person—his height, colour of hair, eyes, general appearance and manner, some personal habits, such as biting his nails—fondness for horses and for driving—which made it possible the Nicholas would take up the line which Nathaniel was found to have adopted. The times were shown to agree, for the coachmaker of whom he had the first carriage was brought with his books to the trial, containing the entry of the purchase; and that Nathaniel was a stranger when he was first seen at Liverpool was proved by the singular circumstance that the waterman on the stand where he plied remembered his first appearance, and getting on the box by his desire to show him the way to the first place he was hired to drive to. He was proved to have mentioned to his wife that his father's name was William, and that he had a brother of the same name and two sisters. It was remembered in Cornwall that Elizabeth had been the favourite sister of Nicholas. Nathaniel called his first daughter by that name, and she dying he called the second by the name; a third he called "Mary Ann." That he had made no claim on the property at his brother's death was sufficiently explained by his own death following so soon after, and that for some time previously he had been wandering in North Wales from fair to fair and place to place purchasing horses, and was very unlikely to have seen any newspaper recording a death in Cornwall. But all doubt was removed by another remarkable circumstance. Nathaniel's widow married again. Her furniture and effects of every kind were taken to her second husband's house. Among the articles was an old trunk which he had always preserved with care, and which had never been opened. It chanced that curiosity was one day excited, and on opening it a number of papers and letters and books of accounts were found. But for the most part they referred to a person of whom they had never heard, not "Nathaniel Richardson," but "Nicholas Robinson." Among the papers were the two admissions of Nicholas Robinson, as attorney in the Court of Queen's Bench and Common Pleas. There were also letters to him from persons in Cornwall. On the trial his old master and other Cornish contemporaries proved the admitted handwriting of Richardson to be the handwriting of Robinson. And so the property was recovered. For the aunts had appeared the most eminent leaders on the circuit, and the prejudices of a special jury were naturally in their favour. A young man, William Adam, then just rising to a lead, was for the heir-at-law. I never shall forget how in his opening speech he unfolded in the most beautiful order, and with every grace of language, pronunciation, voice, person, and manner, the facts which I have been compelled somewhat to huddle together. The little circumstance of nail-biting I remember he could not forego, yet he was puzzled how to deal with it, for the judge was himself a notorious nail-biter, and the mention of it might offend him. But he brought it in so as only to provoke a good-humoured smile, and no offence was taken. The speech and the management of the case lifted him into the second place on the circuit, and he maintained himself in it until he was attracted to the committee business of the House of Commons; and, finally, was induced by delicate health to retire to the lucrative post of Accountant-General in Chancery. I was on several occasions his junior, and I owed much to his kindness, when it was of great value to me. It would have been of great value to me if I could have learnt to imitate the various excellences of his style and manner in pleading. In January, 1832, the corporation of Exeter did me

the great honour of electing me as their recorder. The power of election, as you know, has now passed from them, and the office is in the gift of the Crown. But it is an office shorn of some of its power and pre-eminence. Exeter, with some few other of our more ancient cities, had very large criminal jurisdiction. The recorder tried every offence but treason and misprision of treason, and except when there was a charge of this kind the justices of assize did not, in fact, interfere with his province. It was my lot to try a very remarkable case of a very serious nature. You have all of you heard, and some of you must remember, the first introduction of Asiatic cholera into this country. Its ravages were fearful. The faculty in general seemed wholly taken by surprise and confounded by it, and the alarm and horror which its appearance in any particular place spread were excessive. At this crisis, it was reported one evening in Dawlish, that a man who had come into the town, and was lying in a bed in a back part of one of the public-houses, was dangerously ill of the dreaded disease. The story spread rapidly, scattering dismay wherever it went. Excessive fear is a selfish and cruel passion. The bed on which he lay was bought, and as he lay in it he was lifted into a common open cart, too short for his person, so that his legs hung out exposed, over the cart. A man was induced for a good reward with a bottle of brandy, to sit in front and drive him to Exeter, where he was said to be settled. By night the journey was performed; the poor man was deposited in the streets of St. Sidwell's, and there before morning he died. If the men of Dawlish had felt fear, the citizens of Exeter felt both fear and indignation. Inquiries were made by the magistrates, and finally three gentlemen of station and unblemished character were believed to have been the authors of the proceeding. The grand jury found a bill against them for manslaughter, and they were arraigned before me in the Guildhall. The evidence seemed to bring the facts home to the prisoners, but it was the duty of the prosecution to show that these facts had caused the poor man to die when he did die—that but for these he would not have died then. Now, at this time the faculty were so new to the disorder that the most opposite opinions were entertained as to the proper treatment. The wildest theories were started by some persons, and among others the "cold treatment," as it was called, did not want its advocates. No treatment had been tried long enough to be either definitely opposed or condemned. Three medical gentlemen attended the trial, who were to hear the evidence, and then speak as to the cause of death. When these gentlemen were called not one of them could say that he was at all clear that the poor man would not have died exactly as soon if he had never been moved from the room in which he lay at Dawlish; or, in other words, no one would say that he felt at all clear that the prisoners had occasioned the death by the act of removal and exposure, which they said might have been purely indifferent in this respect. I, therefore, interposed, and told the jury the prosecution had failed, and that they must acquit the prisoners; for how could they assert undoubtingly upon their oaths what the medical gentlemen, so much more competent on such a subject, were unable to affirm? With hesitation, and certainly to the disappointment of the audience, the jury acquitted the prisoners; but the painful interest of the trial was not over. To the three gentlemen this had been an agonising day. They had stood for hours in the dock, conscious of the feelings of those around them, as the sad story in which they were said to be implicated, was detailed. It is fair to presume that they had long repented bitterly of the conduct into which their excessive alarm had led them. Their feelings were intensely excited, and when they found the prosecution suddenly at an end, the revulsion of feeling was terrible. On one of the three it was overpowering. He was a post-captain in the navy, a tall, athletic man, of noble appearance and military bearing. Suddenly I saw his white teeth clenched, his frame convulsed; he uttered the most fearful shrieks, and threw his limbs about with great violence. It was not without extreme difficulty that he was overpowered, and removed into a room behind the court, where for some time his shrieks were still heard in the court. I fear that he never entirely recovered from the shock, and that for the remainder of the days he lived he was a broken man in health and spirits. He had a kind heart, and was active in all local charities, beloved in his own family, and respected by all who knew him. Overwhelming fear, more perhaps for his neighbours than himself, and that mysterious character which at that time invested the approaches of cholera with something peculiarly appalling, had, it may be believed, for the moment set him beside himself, and inclined him to join in an act that, regarded by itself, certainly was most selfish and cruel. In January, 1835, I was placed on the bench, and soon after started on the Oxford Circuit with the late Sir James Allen Park. It was not without some misgiving that I set out with him. I was conscious of being somewhat regardless of forms and ceremonies, and knew how much importance he attached to them. I was afraid that I might find him a difficult companion, or that he might find me an uncongenial one, and the judges on a circuit live so entirely as members of the same small family, that without an entire agreement there is a chance of much discomfort. I did that good and kind-hearted man but little justice. He treated me with perfect respect and consummate kindness. He was always ready to help me to take more than his share of the work, and I found him a most entertaining, lively, easy companion. The Oxford Circuit is, next to the Northern, the largest and the most laborious. It embraces eight counties, and as the junior judge, I had to dispose of the prisoners in Berkshire, Staffordshire, Herefordshire, and Gloucestershire. I had been accustomed only to what I must still think the softer natures of the western counties. The amount and the savage character of the offences in Staffordshire made a deep impression on me. I seemed to feel a load off my mind, and that I was in greater personal safety, when I drove out of the county. I find that I have the notes of no less than 281 prisoners on this circuit. To this you are to add the civil causes which I tried in the other four counties, and the business transacted in the judge's lodgings, with the official correspondence which necessarily followed on this work in court, and you will have some idea of the labour imposed on an inexperienced judge on his first circuit. I say nothing of the anxiety in the case of the graver offences. In the spring of 1840 I travelled the Northern Circuit with Mr. Justice Erskine. It was the circuit which followed the Sheffield treasonable outbreaks and the Chartist demonstrations all through the north. But as I was the senior judge it was not my duty to deliver the Castle gaol in Yorkshire. My colleague was nearly overdone by the labour and anxiety of that duty. He was assisted as usual, but at the end he was obliged to rest a day or two, and I went on alone to Lancaster. My turn was at Newcastle and Liverpool, and I find notes of the trials of 185 prisoners there. Those were anxious times—happily now passed by—and I hope I do not deceive myself when I think that some small share in the pacification of men's minds at the time may have been attributable to the perfectly dispassionate and fair administration of justice upon these trials. Of course I say this not boastingly. The same remarks would have applied equally whoever had been the judges. I tried the somewhat famous Feargus O'Connor at York, and Bronterre O'Brien, both at Newcastle and Liverpool. The first trial, on which he was acquitted, I shall not easily forget. The court is a large one—a deep oblong—with a most expansive gallery reaching to the ground, and filling up full half of it. I don't remember that a woman was to be seen in court, but the gallery was entirely filled by dark, stalwart, pitmen or miners, who seemed to have us entirely in their power, and not to want the will for an outbreak. We were obliged to sit on to a late hour by candle-light, when it is always most difficult to preserve order in court. Most minds, however, were too much excited and interested in what was going on to be noisy. O'Brien—who is, I believe, still alive—made a very eloquent, very amusing, very exciting and mischievous speech for himself. He had, however, a very unfavourable jury, for the Chartists had contrived to frighten those who had anything to lose, and none in general were more opposed to them than the shopkeepers, tradesmen, and small farmers. But I thought him on the evidence entitled to an acquittal, and acquitted he was. I must say that the Chartists I had to deal with interested me a good deal. For the most part, they appeared to be honest and misled enthusiasts. I have no doubt that, had they not been repressed, they would have been led on to plunder and havoc, and that blood might have flowed like water, for their occupation made them a hard-handed, stern race. But they begun intending to be loyal to the Queen, whom they strongly distinguished in their feelings from the Lords and Commons, and to vindicate to themselves what they thought labour entitled to. It was remarkable. A large number defended themselves. Their broad Lancashire pronunciation you would have found it as difficult to understand as strangers find it as difficult to understand us; but they spoke pure English, with some old and good provincial words, and in correct grammar, and they quoted, some of them largely—not from "Tom Paine" or low books, infidel or seditious—but from Algernon Sydney, Sir William Jones, John Locke,

and John Milton. There were men among them who, after a day's work of fourteen or sixteen hours, had been diligent readers by the midnight lamp, and were better English scholars than many of their jurymen. It is usual in such cases, when the Government has succeeded in convicting the ringleaders, and a sufficient number to produce the effect of example, to deal gently with the remainder, and to release them on pleading guilty, without punishment. O'Brien and others had been convicted, and the Attorney-General for the County Palatine was taking this course, but had passed over a mere lad, whose name was "Walter Scott." Seeing his age, I said, "Oh, Mr. Attorney, surely you will not press upon Walter Scott, for his great namesake." My suggestion was instantly yielded to. The boy was called up, and I explained to him the lenient course proposed to be taken towards him. He was very indignant, and insisted on being tried. He had evidently come prepared to enact the martyr to his cause, and it took some time, and the interposition of his friends, before he would accept the proffered grace. It is time that I should have done, but before I relieve you I wish to refer to my first circuit, for the sake of one sad case at Gloucester, where I myself tried 127 prisoners. One of them was Edwin Jeffery, a lad in the employ of a butcher in a village near Stow-on-the-Wold, who was tried, convicted, and suffered for the murder of François Jacques Rena. This poor Frenchman had for some time lived on his small means, lodging at the house of a Mrs. Roper, in the village. He was, unfortunately, the possessor of a gold repeater watch, a gold chain, and two gold seals, which he was somewhat too fond of displaying. On the evening of the 10th of March, 1854, he left his lodgings for a stroll about half-past seven o'clock, saying he should return to his tea at eight. About eight he was brought back in a wheelbarrow, a dying man, bleeding. His skull was shockingly fractured, his watch was missing, but not his purse. The lad Jeffery was one of those who assisted in bringing him home. It appeared that he had been found on the ground groaning, in a lane just out of the village. No suspicion at first pointed to any one as guilty, but very soon after two strangers, who could give little account of themselves, were taken up. A number of witnesses were examined against them, and they were committed for trial. One circumstance was thought to press against them. One had a somewhat remarkable stick. The end of this was applied to a large dint in the poor deceased's skull, and was said exactly to fit it. The case was for trial at the summer assize for 1854. My friend, the late Mr. Justice Williams, was the judge; a man of excellent common sense. He read the depositions; thought they made out nothing but a slight and dangerous suspicion, told the grand jury so, and the bill was thrown out. By the following spring it was clear that he was right, and the two prisoners perfectly innocent. Partly by the evidence, and partly by the lad Jeffery's confession, the following facts appeared:—He had seen the Frenchman's watch, who had perhaps shown it to him, and let him hear the wonderful repeater within; he was seized with an ardent desire to possess it, on which he suffered himself to dwell till the temptation to secure it at whatever cost was too strong to resist. He had waylaid the unfortunate owner, and with a wooden implement, which he had used in stunning calves that were to be killed, had felled him to the earth in his solitary walk. The watch he instantly secreted, and then with wonderful coolness took part in helping his victim home. At first he hid his treasure in the garden underground; but he could not then use it often enough to gratify his desire, and he carried it to the hay-loft. As time wore away, and no suspicion existed, he became bold enough to carry it on his person under his frock, and very soon, as might have been expected, put it out of order; it ceased to go. In September—the summer assize having passed—he was bold enough to take it to a tailor, who sometimes mended watches—to be repaired. He represented that he had bought it of his brother John, a gentleman's servant at Leamington. The tailor found the watch of a construction beyond his skill or experience, told him so, adding that it would never answer his purpose, and offered him a common metal watch, worth 40s., in exchange, as more likely to be of use to him. This was no very honest proceeding on the tailor's part, and might have brought him into great trouble, for it was accepted; and now the tailor, desirous of getting the watch into a perfect state, repaired with it to a superior watchmaker—the very man to whom the poor deceased had been in the habit of taking it when it required repair, and who, on one occasion, had been obliged to send to London for a particular movement to replace that which was out of order, and the like to which he had not in his own store. On examination, he found the mysterious piece of work still in the watch. He knew it, and inquired of the tailor how he became possessed of it, and the inquiry led to the apprehension, the examination, and finally the confession of the unhappy lad. A witness who saw him immediately after this, asked him how he felt. "He began to cry," said the witness, "and answered, 'All that I have to do is to pray to God to forgive me; since I saw Mr. Ford, and made my confession, I am much happier,' and this, indeed, we may well believe. I have repeated to you this story, as strongly illustrating how dangerous it is to allow the mind to dwell upon forbidden objects—how a just Providence often interferes to detect the committer of a great crime. Months had passed away—no clue seemed to exist for tracing out the murderer—no suspicion rested on his head. Probably, the majority who thought about it at all still believed in the guilt of the two men first apprehended, and blamed the judge for dismissing them. But the watch is brought to the only watchmaker who knew it, and he could not have sworn to it, but that he had placed in it a piece of workmanship, strange to himself, but so remarkable and marked, that he knew it again. However imperfectly I have executed what I wished, I have detained you much too long. Some apology I hope you will find in the circumstances under which I addressed myself to my task. Now that I have retired from the occupation of so many years of my life, to return in thought to my early years—to turn over note-books long since closed—to bring before my eyes scenes and faces long passed away, naturally refreshes old associations, brightens up old recollections, and awakens thoughts and feelings which slumbered for years only to start up into greater vigour, and more sensible tenderness. I cannot but think of that brilliant band whom I found on the circuit when I joined it, or who were soon after enrolled among its members, of whom now very few remain. Three are now upon the bench, and amongst its most exalted and distinguished members. Erskine, a fourth, is living in dignified and useful retirement, respected and loved by all who enjoyed his intimacy. Wilde departed after having achieved the highest honours of the profession, and Follett, the too early victim of his own great success. I may be pardoned a few words on each of these distinguished individuals. Wilde was indeed a remarkable man; he had an intellect acute even to subtlety, but somewhat wanting in the breadth, which a more complete education and more general acquaintance with literature might have given. His reading, indeed, was most limited in kind and quantity; he had industry which nothing could weary, courage which nothing could daunt, perseverance which shrunk from no difficulty. Thus, by nature of a somewhat ungainly figure, and aspect far from prepossessing, with a decided stammer in his articulation, he made himself a very influential speaker; his action was graceful, his declamation very seldom impeded, and his voice was by no means disagreeable—always clear in his statement—and close in his reasoning, he sometimes rose with the occasion to a very high strain of eloquence. He was wearisome in the length of his examinations and of his speeches, not because he indulged in useless repetition, but because he drew every point in the case, and would not, or was unable to, discriminate between the great and the small; he would throw overboard nothing; the verdict was his object, and whether he won it on a bye-point, or on the broad merits, was nearly indifferent to him. When a case took an unexpected turn, he was not quick in changing his front, and adopting a new line. As an advocate, no one ever more faithfully discharged his duty to his client; compared with this, his own comfort, pleasures, health, weighed nothing. It was difficult for such a man always to deal quite candidly with his opponent; yet, I am bound to say, that he was a fair and honourable practitioner, whose word might be implicitly relied on. Respecting sincerely as I do the attorney, as a class, I may yet say it was his misfortune to have practised as an attorney so long as he did—no doubt it conduced in many ways to his early and great success, but it prejudiced him when that success was attained. The difficulties which he had encountered and overcome in early life left their impress too tightly and closely on his whole nature, when he should have had a more unfettered step, and taken a wider view; and his mind was so intently fixed on details, at the age when our faculties are most expansive and supple, that he had not afterwards the full power of embracing the entirety of great subjects, which even at the bar was often required of him, and was his station afterwards made indispensable to perfect success—a power which under other circumstances would surely have been found in one who had his strength and grasp of intellect. He

me add, in conclusion, what is even of more importance than all his success in life, that he was a liberal, kind-hearted man, a fast friend; and that when it fell to his lot to dispense patronage, especially in the Church, no man made his appointments with less reference to party politics, or a more sincere desire of choosing his objects well. With Follett I had more familiar relations. I saw his whole course, standing near to it in its commencement, and up to my quitting the bar, I was deeply interested in observing it, and I early predicted his future eminence. No man, I suppose, ever had, or desired to have, success more complete in proportion to the time he was in the profession; had his health been continued to him he would have entirely filled up the place at the bar which Sir James Scarlett had left, and I think still leaves, unfilled. He wanted his variety of legal learning, and his great experience, not only in legal practice, but in general life; but he was his equal in the ready appreciation of facts, and in the soundness of his legal principles. He was, I think, a better speaker, for he was equally natural and apparently free from artifice, and yet was more capable of earnest and strong declamation; his voice was sweet and action good. In the conduct of a case he was singularly ingenuous, handy, self-possessed, and free from embarrassment; when things took an unexpected turn he never seemed to labour, and yet he never seemed negligent or indifferent. He was popular as a junior, and still more so as a leader; his sweetness, and simplicity, and heartiness of manner ensured this—and his thoroughly good temper. No man seemed to grudge him his great success. I once appeared before him as assessor to the Lord Warden, in an important Stannary cause; and he gave promise of such judicial powers that, had he lived to preside either in law or equity, he would, I am sure, have earned a reputation not inferior to that of any one who had preceded him. But his frame was never a strong one, and he taxed it beyond the endurance of the strongest. I think the last time I saw him in public was in the House of Lords, in the Sussex Peerage case, when, in remarkable condescension to his infirmities, the seats of the peers and judges were brought down to the bar; behind it a stool was placed, on which he sat during his argument. I say nothing of him as a member of the Lower House; many of you know well what a position he filled there. It is much to be lamented that, neither as a lawyer or a legislator he has left any lasting monument behind him of his great abilities; the business of the day swallowed him up. Like a well-graced actor, "the admired one of his day," he lives in the recollections of one fleeting generation who saw him; thenceforward, a mere tradition of him remains—tradition becoming every year more uncertain, obscure, indiscriminate. But these are personal recollections in which, perhaps, I have indulged too long, and in which I can scarcely expect to take you along with me. If you will bear with me yet for a few minutes, there are two remarks of a more general application which I would gladly make, and which may be worth your consideration. The circuit, to speak generally, is an institution of the country, and surely a most useful one. I speak not now in regard of its primary object, the cheaper and more expeditious administration of justice, but of its effect indirectly on the law—on lawyers, and on judges. Those who administer our common law have unobservedly a considerable influence in the making it, and it has been a common observation—even among eminent legislators—that the greater part of our law is judge-made. And it has been said that judge-made law is generally the best we have. Now in this the labours of the bar have a greater share than is commonly supposed. Such men as Copley, Scarlett, Wilde, or Follett, men jurists in the constitution and habits of their minds, cannot but leave their stamp on the law, and influence the making of what become leading decisions, long before they themselves attain to the bench; this, every well-read lawyer knows, and it is surely something that both judges and barristers should periodically leave their books, and the courts of London—should mix familiarly with other men—see other habits—learn the reality of life—its sorrows—its conflicts—face the nature of man, sometimes under its basest and most hideous aspect, but not seldom, believe me, presented in attractive colours and with an heroic impress on it. Thus it can scarcely be but that their own minds are enlarged—their reasoning powers strengthened—and they themselves acquire a truer wisdom than they could learn from the mere study of treatises or arguments on points of law in Westminster-hall. Nor can the periodical visits of such a body as the judges and the bar be of no effect on the counties through which they pass. I hope I may not be speaking under a too strong professional bias, as I am sure that I am not with any reference to myself, when I say that these visits work wholesomely upon all classes of the population. It is not merely that even the uneducated see justice administered and the law vindicated in criminal cases in a way which they understand, which interests them very deeply, and by which they are very solemnly impressed. Who that is familiar with a county assize can doubt of this? Let any one mix with the crowd and listen to the remarks which a trial elicits, with the sensible though unlearned criticism on the conduct of the judge and counsel, and he will see that these exhibitions, often noble and solemn, and sometimes, it may be feared, the mournful betrayal or infirmity of temper, or want of feeling, have their wholesome effect. A most acute and eminent judge told me that he was reporting to me a compliment on myself which I ought to value most highly, from an old market-woman whom he had overheard discussing with her neighbours, a trial at Stafford, at which I had presided. She summed up her judgment of me thus—"I like that judge; he's full of consideration." He told me very truly, and I did prize it most highly. But not only the uneducated, the educated classes in their intercourse with the judges and the bar find themselves thrown into the society of perhaps more sparkling intellect—greater variety of acquirements—and with prejudices at least different from their own. And the result is that their own intellects are stirred, and they are led to more active inquiry, and perhaps larger views on whatever may be the questions of the day. But secondly, to some, at least, of these results, another great—I would almost say the great institution of the country—is an essential requisite—the trial by jury, or as it would be more correctly called, the trial by judge and jury. I know that of late years there have not been wanting those who labour to depreciate the jury. Of course I don't affirm that it is a mode of trial perfect in any case, or that it is appropriate for the decision of all questions of fact. I am far from saying that it does not admit of some improvement. But, speaking from long experience, and after much consideration, there is nothing as to which I have a more confident opinion than I have in thinking that to the trial by jury we are indebted individually and collectively, as members of society, as citizens of the State, in respect of our property, our characters, our safety, our liberties, more than to any other single institution which we possess. Of course, at times you have a stupid or an obstinate panel, at times you have an absurd or perverse verdict; and depend on it, whenever you have, the story is too good not to be told pretty generally, and of course it loses nothing in the telling, and so the laugh circulates widely. But do you ever consider how small a proportion these bear to the enormous number of untold instances in which sensible juries have decided wisely? Do you suppose that, if judges alone decided questions of fact, you would never have a mistake? An unreasonable—an absurd—or even an unrighteous decision? I have been a judge, as you know, for an unusually long period, and I desire freely to record my admiration of the manner in which juries commonly discharge their solemn duties. Again and again have I had reason to marvel at their patience, and industry, and attention. Again and again have I heard from a juryman some question suggested which judge and counsel had both omitted, and the answer to which threw a guiding light upon the whole controversy. Not seldom, when I have at first differed from the verdict, have I found reason, on after reflection, to think that I had been wrong, and the judgment of the jury right. But this is not all. We must not lose sight of the indirect advantages of the institution. Again let me speak from experience. The jury is of immense importance as regards the judge. His view of the facts is astonishingly cleared by the necessity of setting it out fully in his summing up to them; and, were he inclined to be careless or partial, or dishonest, their presence, and the responsibility of stating the facts fully to them, and arguing upon them, if he argues at all, vivâ voce to them, are most important preventives. But again, upon our society in general, what an element of cultivation and improvement is service on the jury. Let there be no grand juries, no special, no common juries; take away those functions from our gentry, our merchants, our farmers, and our tradesmen, and I venture to say you would take away one of the most important of those things which distinguish us from every other nation in Europe. This is one and not the least important part of our self-government—it is also a material part of a citizen's education. Any judge will tell you how different a machine the jury becomes after the lessoning which a day's trial will have given them; how slowly he must proceed at first, how fully he finds it necessary to sum up the plainest case when he begins the assize, and how rapidly they learn to appreciate facts and to apply them to law.

definitions of offences after a little while. I have often thought that had I to appoint the magistracy of a county I would make it a precondition to appointment that the gentlemen should serve as petty jurymen on the Crown side for two assizes at least. I am sure that a more practical knowledge of the criminal law might so be learned than could be acquired by months of careful reading. Earnestly I hope that in our laudable and natural desire to improve, we may never fancy ourselves so much more wise than our ancestors that we can dispense with the jury; let us try it in principle and in its details, let us examine it freely and searchingly—only reverently and modestly. Let us improve it if we can where we find it defective, onerous, redundant; let us substitute another mode of deciding the class of cases to which it may be inapplicable, but in its essence and substance let us cherish it as an inestimable treasure, let us guard it as we would our Habeas Corpus—our Bill of Rights—our Magna Charta—sure I am it is not less essential than any one of these to our liberty and well-being, social, civil, and national. One thing is to be always remembered, that stupid verdicts are no argument against the institution, if they do not arise from any fault in it, but from something which you may remedy in jurymen. No institution, however wise in itself, can be expected to work well with inadequate instruments. Improve your jurymen by enlarging and raising your national education. Introduce into your panel all the classes of society by law liable to serve, and when you have done that, and not till then, if it be found to work ill, condemn the institution. I have now the happiness to have entered, while some portion of my health and strength, bodily and mental, is still spared me, into that easy, perhaps I should in justice say, that splendid and well-endowed retirement, which the wise liberality of the country accords to judges after their years of service completed; but I retain, of course, my old affection for my former profession. I speak under a bias, but I speak under a sense of responsibility, what I believe to be the truth. We live, then, under a law, which, though far from perfect, is framed in a wise and just spirit, especially as to criminal matters, in that it regards the intention of every act, and makes due allowance for the infirmities of our nature; we live under an administration of the law by judges laboriously educated, honest, fearless, impartial, incorruptible. If I praise judges as a body, believe me I am too sensible of my own shortcomings to include myself. We can command the services of a learned, able, zealous bar, who will never betray us for love of money, favour of our opponents, or fear of power. Our own peers try our causes—try us ourselves if we should be so unfortunate as to be arraigned on any charge at the bar of justice. What man in his senses dreams that either judge, advocate, or jury, will be other than brave, honest, direct—in a word, just in disposing of the issue before them? Who can over-rate this blessing? Yet it is so much a matter of course, that we think little of it, as of the sun which shines on us from heaven. Such is human nature. I shall not have spoken so long this evening—you will not have listened so patiently—for nothing, if by what has been said you shall be roused to a grateful sense of the blessing, and to an earnest resolution, as much as in you lies—to hand it down pure and undiminished to your latest posterity.

The MAYOR proposed, and Sir JOHN KENNAWAY, Bart., seconded a vote of thanks to Sir John Coleridge for his kindness in delivering his most interesting and instructive lecture. The motion having been carried by acclamation, the right hon. gentleman briefly acknowledged the compliment, and the meeting separated.

SHAVING STATUTE.—In a Parliament held at Trim, by John Talbot, Earl of Shrewsbury, then Lord-Lieutenant, anno 1447, 25th Henry VI., it was enacted "That every Irishman must keep his upper lip shaved, or else be used as an Irish enemy." The Irish at this time were much attached to the national foppery of wearing monastachios, the fashion then throughout Europe, and for more than two centuries after. The unfortunate Paddy who became an enemy for his beard, like an enemy was treated; for the treason could only be pardoned by the surrender of his land. Thus two benefits accrued to the king, his enemies were diminished, and his followers provided for; many of whose descendants enjoy the confiscated properties to this day, which may appropriately be designated "hair-breadth estates." The effects of this statute became so alarming, that the people submitted to the English revolutionary razor, and found it more convenient to resign their beards than their lands. This agrarian law was repealed by 11th Charles I., after existing 200 years.—*Notes and Queries.*

The Provinces.

LIVERPOOL.—*A Second Stipendiary Magistrate.*—The Liverpool Law Society held a meeting on Thursday week, when the expediency of appointing a second stipendiary magistrate was again considered, and after mature deliberation, the following report was adopted:—"Your committee have to report that the report of the committee adopted by the society, at a special general meeting, held on 24th May last, was duly forwarded by the President to his Worship the Mayor, but no reply to the same has been received. It will be seen, however, by the newspapers, that the report was laid before the Council by his Worship; and the Council, at an adjourned meeting, held on the 3rd day of August last, unanimously resolved that the appointment of a second stipendiary magistrate was not necessary. No part of the debate is reported in the newspapers, except a speech of Mr. Alderman S. Holme, which does not impugn any of the statements contained in the report, or contain any facts or arguments to account for the resolution of the Council, except that they were not prepared to add another £1,000 a year to the burthens of the community." The consequence is, that your committee have not before them any new facts to examine, or any argument to refute. By a clause in the Municipal Reform Act, the Queen has no power to appoint a stipendiary magistrate in any borough, unless the Town Council have first found the necessity, and passed a bye-law for the express purpose of enabling her Majesty to make the appointment; therefore, unless the Town Council will take action in the matter, the object so desirable cannot be obtained. The last accounts published by the borough treasurer show that, in the last financial year, the Police-court paid over to the borough fund 2,717*l.* 1*s.* in excess of fees. Your committee do not find that it is a rule of constitutional law that fees should be paid over to borough funds; and if fees are not to be retained by the clerks of magistrates for the work done, or not to be decreased according to payments to be required to be made out of them, your committee think that they ought to be, to some extent, under the control of the magistrates themselves; and your committee have reason to think that if the question of the appointment of a second stipendiary magistrate rested with the justices themselves, they would feel disposed to recommend the appointment to her Majesty. Your committee therefore recommend that some representation should be made to Government for the purpose of effecting some alteration in the application of these surplus fees. The inability of the lay magistrates to deal with cases of a purely civil character seems to be admitted by the Council; and it is cases of this kind that the society consider require to be heard by a judge having a knowledge of law and of the rules of evidence. If, therefore, the Town Council still adhere to their resolution not to recommend the appointment of a second stipendiary magistrate, your committee is of opinion that some steps should be taken either to ensure the hearing of all cases of a civil character before Mr. Mansfield, or to get such cases withdrawn from the jurisdiction of the magistrates, and restored to the jurisdiction of the ordinary courts of law."

MANCHESTER.—*Frazer and others, Assignees of Dimstrick, a Bankrupt, v. Harry Hillar.*—It will be remembered that on the last day of the late Liverpool assizes this cause came on for trial, and after the part examination of one witness, and considerable discussion between the learned judge, Mr. Justice Hill, and the council in the cause, the matter was referred to John Henderson, Esq., barrister-at-law, of the Northern Circuit, and it was arranged that the inquiry should commence on the 26th September, and be continued day by day until its close. The proceedings before the arbitrator accordingly commenced at the Palatine Hotel, Manchester, on Monday morning, the 26th ult. At the conclusion of Saturday's sitting, the learned arbitrator suggested that in the event of an award against the defendant for the full value of the goods which found their way from the bankrupt's premises to the defendant's shortly before the bankruptcy, the defendant might, on payment of the amount, become entitled to prove for a considerable sum on the estate, for the moneys advanced to the bankrupt, and threw out a suggestion that perhaps some compromise might be come to, by which he (the arbitrator) might be saved the painful necessity of deciding the tremendous question of fraud raised in the case. In consequence of this suggestion, conferences took place between the learned counsel and the attorneys of the parties. Their respective clients were consulted in the matter, and at the time appointed for the sitting this day, written terms, which in the meantime had been agreed upon, were handed to the arbitrator. These terms are to this effect:—In addition to a sum of £700 paid into court by the

defendant, as the alleged balance of his transactions with the bankrupt, he is to pay a further sum of £2,000, and costs of the action, reference, and award. The defendant is further prohibited from tendering any proof on the bankrupt's estate. The arbitrator's award was therefore based on these terms.

SALFORD.—*The New Bailey Prison.*—This prison has been visited with an epidemic, and although no fatal cases have occurred, there is sufficient in the disorder to create some public apprehension. Nearly 200 persons in the prison were seized with diarrhœa on Wednesday, and amongst the number were some of the officials. The most prompt and efficient remedies were applied, and the danger now appears to be over.—*Manchester Examiner.*

Ireland.

JUDICIAL REFORMS.

(From *Freeman's Journal.*)

We are so much creatures of habit that these "second natures" are almost as sacred in our eyes and as impossible to be eradicated as the original moulds in which human conduct is permanently formed. We have been so long accustomed to that costly and cumbrous institution called the administration of justice, that we tolerate its abuses because we have been so long familiar with the evil. It is an old saw that cheap things are never good, and experience in the market proves the general truth. But high prices do not always ensure good commodities; and, besides, a good, cheap, serviceable article will be manufactured if the sale be sufficiently remunerative to repay the cost of labour, replace capital, and leave a small profit to the producer. With an extensive market the cheap article may be as good as, or better than, the dear in a limited market. Applying this modern principle to the law, the less costly its administration the more business will increase. People fear the law, and often will sacrifice a right to avoid the calamity of a successful suit. In Ireland we have far less reason to complain, for the experimentum crucis has proved rather successful—litigation is less expensive—the professions are content with their moderate harvest—while the public are satisfied with the efficacy of the reforms which accomplished this salutary state of things. Our Incumbered Estates Court served as a model for the West Indian "institution," which now takes cognisance of heavily mortgaged plantations, and brings them speedily to the inexorable hammer. Our Chancery Reform and Common Law Procedure Act have also worked well. Judges, it is true, carp now and then at "poor cheap John," and sneer at the levelling tendency of recent legislation, which cuts into the arbitrary dogmas of an artificial science, and relegates bills in equity and the venerable system of Common Law pleading to the museum of curious antiquities. A great deal has been done, but a good deal remains to complete the new fabric. We should not, however, be insensible to the value of the exploded system, which had its good qualities, though all are now apt to overlook them. Simplicity and directness were applied in the reduction of a few simple issues to be decided by a jury in a single trial. The evolution of these issues was the result of a rigorously logical altercation between the pleaders, which came to an end when they arrived at a contradiction in law or in fact. In a simple case no procedure could be devised better calculated to get at the truth. This was a great merit, but then it was very expensive compared with its modern substitute. On the other hand, when the facts of a case were numerous or uncertain, the rights complicated, and the legal consequences of the facts doubtful, the accuracy of the system could not be depended on, and a slip in the logic might sacrifice a case whose justice would be evident when all the facts were unravelled and submitted to a jury. The cause petition was a most valuable reform in equity procedure, but it leads to too many references, which, however, a conscientious and painstaking judge will always hold in check. The original jurisdiction vested in the masters is also a valuable improvement, but too much work is cast upon them, and reports, in consequence, are slower, and final decrees or orders prolonged. The power of vivâ voce examination is another signal benefit, though it is not exercised as much as had been anticipated. The affidavit is still supposed to govern the decision more largely than is consistent with the real facts. Experienced judges, however, get at the facts pretty closely from the conflict of swearing, and, as the expense of bringing suitors or witnesses before the court would be too great in small cases, the judge decides on the affidavits. It is not to spare himself, but the suitor, that he seldom goes behind the affidavits. The English Court of Chancery is neither so cheap nor expeditious as ours; and though much has been done there, too, Chancery Reform must pass through its second and third stages of progress before the court is palatable to the public. The master's office does not exist in the English system. Lord St. Leonards filled up that bottomless gulph, or professed to do so, by abolishing the masters, and requiring the Vice-Chancellors and Master of the Rolls to do all the work with the assistance of clerks. The object of the reform was to enable the judge to follow the cause throughout, and never lose sight of it until it is turned it out of court. The clerks are not barristers, and hear no arguments from counsel, which, perhaps, is an advantage. If the clerk be in doubt about anything, he refers at once to the judge in chamber. For a while the system went on smoothly, but the clerk whom Lord St. Leonards would have, a simple clerk, and nothing more, is fast becoming an independent judge, with much more work than he can get through, and the judge has no time to check the clerk. The remedy consists in the augmentation of the judicial staff, which is already heavy enough, though, we must say, neither the Equity or Common Law Judges of England shirk their duty. We know of no class who undergo such severe labours, and when Vice-Chancellor Stuart, by favour of Lord Chelmsford, took a week's fishing in Scotland last year, extra the prescribed time, we thought the censures of our Liberal London cotemporaries very harsh and unjustifiable. Might not a suitor wait on the banks of the Thames while the judge cast for grilse in the pools of the Tay? Some years ago, when the economic fever raged highly in the House of Commons, a committee reported on the expediency of reducing the number of judges in the three kingdoms. The common law bench in England was to yield up three out of fifteen, the Irish three out of twelve, and the Scotch a similar proportion. The report has been undisturbed since its birth. No reformer has had the courage to ask why it had not been carried out? And for the plain reason that all the lawyers in the House would start simultaneously to their legs and denounce the proposition as mischievous and impracticable. A few additional judges are no heavy incumbrance on the Civil List, even if they were not absolutely needful. We prefer an over to an under supply of judicial capacity. A good judge is too rare an acquisition to be weighed against a few thousands a year; and as to bad judges, we suppose we must presume against such phenomena. While we admit our judges have too much unemployed time on their hands, we would not diminish them by a single wig, though we would extend the area of their usefulness, and cut away all causes of complaint on the side of the economists. It is probable an accession will soon be made to the English Equity bench, and every court will have two judges, of whom one should always be in chamber, and the other in court. The adoption of such a system in this country is unnecessary, though we hear betimes of a Vice-Chancellorship just to keep up a parity with the English system. We do not say such an officer would be superfluous, but if no greater success resulted from such an appointment than from the Lord Justiceship of Appeal, the advantage would be very doubtful. The Royal Commission to inquire into the mode of taking evidence in English equity courts may derive some useful knowledge from the examination of our equity staff. Our reform in that department set in five years ago; but still the system is open to great improvement, and the principle may be usefully extended to more numerous classes of subjects. Sir Richard Bethell will not halt in his career as a law reformer. It appears he was induced to accept office for the express purpose of outbidding Sir Hugh Cairns, and signalizing his Attorney-Generalship in the legal annals of England. We shall know more of this next year, but the Royal Commission we referred to indicates a desire to "keep pace with the wants of the age." In some years—we do not think the present ripe for the change—a generation of lawyers will spring up capable of fusing and reconciling equitable with legal jurisprudence, and realising the obvious truth, that of two conflicting codes one must be wrong, since both cannot be right. Things are coming to this, but the safest way to reach perfection in theory is through the avenues of practical expediency, and to proceed to the recognition of common principles from an assimilation of methods.

LEGAL APPOINTMENT.—John H. Richards, Esq., son of the Hon. Baron Richards, has been appointed by his Excellency the Lord Lieutenant to the chairmanship of the county Waterford, rendered vacant by the death of T. Bassonett, Esq., Q.C. Mr. Richards was called to the bar in 1839. The Waterford sessions having been fixed for Tuesday, rendered it necessary that the successor of Mr. Bassonett should be named without delay.

Obituary.

THE LATE MR. ROWLAND NASH.

Mr. Rowland Nash, formerly assistant registrar and solicitor at the Bishop's Registry, diocese of Lincoln, died on the 10th ult., at the age of seventy-five. He was the son of James Nash, a celebrated architect of the last century, who died at the patriarchal age of ninety-five in 1842.

The deceased was a devoted follower of the Rev. Rowland Hill, and one of the coadjutors in his Sunday school above half a century since. Bred to the law in London, he served in the Volunteers of 1799, and soon after obtained the appointment in the registrar's office, Lincoln.

The deceased's speculative and convivial disposition occasioned him ruinous losses in the manias and "lotteries" of his day, which ultimately induced impaired habits and position. Subsequently, in London, he edited the old *Star* newspaper; and, in conjunction with his son, was a colonial and parliamentary agent, contributor to the press for years, and compiler of various useful works on Public Companies, Statistics, and Historical Genealogies.

SUICIDE BY A BARRISTER.—On Saturday morning, Mr. Walley received information of the death of Mr. John Hicks, who resided at 6, South-crescent, Bedford-square, London, and who has committed self-destruction. The unfortunate gentleman was a member of the legal profession, and for some time has been suffering under nervous debility. On Saturday a report of firearms was heard. On the inmates repairing to his bedroom they were horrified to find him lying on the ground weltering in a pool of blood, with his head nearly blown from his body, and the finger of his right hand partially burnt, and within a few inches of a large horse-pistol, which had been recently discharged. A surgeon was sent for, but life was extinct.

DEATH OF HENRY HALL, ESQ., J.P.—We regret to have to announce the death of Henry Hall, Esq., father of Robert Hall, Esq., late M.P. for Leeds. The venerable gentleman died on Thursday morning, at his residence in Leeds, at the advanced age of eighty-six years. Mr. Hall was one of our oldest magistrates, and few men were better known in the borough, or more highly esteemed. His labours in connection with our charitable institutions were unremitting and valuable.—*Leeds Mercury.*

ORIGIN OF THE JUDGES' BLACK CAP.—The practice of our judges in putting on a black cap when they condemn a criminal to death will be found, on consideration, to have a deep and sad significance. Covering the head was in ancient days a sign of mourning. "Haman hastened to his house, mourning and having his head covered" (Esther vi. 12). In like manner Demosthenes, when insulted by the populace, went home with his head covered. "And David . . . . wept as he went up, and had his head covered; . . . and all the people that were with him covered every man his head, and they went up, weeping as they went up" (2 Sam. xv. 30). Darius, too, covered his head on learning the death of his queen. But among ourselves we find traces of a similar mode of expressing grief at funerals. The mourners had the hood "drawn forward over the head" (Fosbroke, Encyc. of Antiq. p. 951). Indeed, the hood drawn forward, thus over the head is still part of the mourning habiliment of women when they follow the corpse. And with this it should be borne in mind that, as far back as the time of Chaucer, the most usual colour of mourning was black. Atropos also, who held the fatal scissors which cut short the life of man, was clothed in black. When, therefore, the judge puts on the black cap, it is a very significant as well as solemn procedure. He puts on mourning, for he is about to pronounce the forfeit of a life. And, accordingly, the act itself, the putting on of the black cap, is generally understood to be significant. It intimates that the judge is about to pronounce no merely registered or suppositious sentence; in the very formula of condemnation he has put himself in mourning for the convicted culprit, as for a dead man. The criminal is then left for execution, and, unless mercy exert its sovereign prerogative, suffers the sentence of the law. The mourning cap expressively indicates his doom.—*Notes and Queries.*

THE BARRISTER AND THE WITNESS.—At an assizes held during the past year, both judge and counsel had a deal of trouble to make the timid witnesses upon a trial speak sufficiently loud to be heard by the jury; and it was possible that the temper of the counsel may thereby have been turned from the even tenor of its way. After this gentleman had gone through the various stages of bar pleading, and had coaxed, threatened, and even bullied witnesses, there was called into the box a young cattar, who appeared simplicity personified. "Now, sir," said the counsel, in a tone that would at any other time have been denominated as vulgarly loud, "I hope we shall have no difficulty in making you speak out." "I hope so, zur," was shouted, or rather bellowed out by the witness, in tones which almost shook the building, and would certainly have alarmed any timid or nervous lady. "How dare you speak in that way, sir," said the counsel. "Please, zur, I can't speak any louder," said the astonished witness, attempting to speak louder than before, evidently thinking the fault to be in his speaking too softly. "Pray, have you been drinking this morning?" shouted the counsel, who had now thoroughly lost the last remnant of his temper. "Yes, zur," was the reply. "And what have you been drinking?" "Coffee, zur." "And what did you have in your coffee, sir?" shouted the exasperated counsel. "A spune, zur!" innocently bawled the witness, in his highest key, amidst the roars of the whole Court, excepting only the now thoroughly wild counsel, who flung down his brief, and rushed out of court.—*Daily News.*

CRIME IN FRANCE.—The *Moniteur* contains a report to the Emperor from the Minister of Justice on the administration of criminal justice in 1857. The following are the principal points in it:—The number of cases of crime tried by the courts of assizes was 4,309, being 136 less than in 1856, 399 less than in 1855, and 1,126 less than in 1854. The 4,309 cases consisted of 184 for murder, 93 manslaughter, 36 poisoning, 12 parricide, 208 infanticide, 64 cutting and wounding, followed by death, 104 simple cutting and wounding, 15 rebellion against public functionaries, 188 criminal assaults on adults, 617 ditto on children, 51 false witness and subornation, 52 coining, 471 forgery, 1,822 burglary and robbery, 239 arson, 105 fraudulent bankruptcy, and 183 other crimes. During the last seven years crimes against the person have diminished, with the exception of criminal assaults on women, which have remained nearly stationary, and of infanticide, which have increased 26 per cent. As regards crimes against property, the only ones in which there has been marked diminution during the same period are coining and burglary, whilst fraudulent bankruptcies have almost doubled. The number of persons accused of the 4,309 crimes in 1857 was 5,773; in 1856, the number of the accused was 6,134. The proportion of accused to the population of all France was, in 1857, 1 to 6,242 souls; in 1856 it was 1 to 5,885; and in 1855 1 to 5,522.

HIGH PRICES FOR LAND.—Some freehold land in the parish of Keynsham, the property of the Marquis of Chandos, was sold by auction on Wednesday, by Mr. William Taylor, and some of the lots realised extraordinary prices. One piece, containing 10a. 3r. 20p., was sold to Mr. J. C. Ireland, justice of the peace, for £1,250; another lot, containing 1a. 0r. 21p., to Mr. Parker, for £230; a piece of land containing 1a. 0r. 30p. fetched £265; and another piece, containing one acre, was bought by Dr. Vaughan, for £245. The rectorial rent-charge of the parish was bought in at £2,050.

Court Papers.

Orders in Chancery.

I.

In these Orders, unless there be something in the subject-matter or context repugnant to such a construction, words expressed in the singular and in the plural number respectively, shall be construed as applied respectively to several persons or things, or to one person or thing; words importing the masculine gender shall include females; "the Accountant-General" shall mean the Accountant-General of the High Court of Chancery; the expression "the Bank" shall mean the Governor and Company of the Bank of England; the word person shall mean any person, whether such person shall be a party to a suit or not, and shall include a body corporate or politic; the word "Order" shall include a decree; the word "money" shall include interest or dividends on stocks or securities, or any accumulations of interest or dividends.

II.

Where, under or in pursuance of any general or special Order, any money shall be invested in the name or the Accountant-General, and with his privity, in the purchase of any stocks, funds, shares, or securities, or any stocks, funds, shares, or securities shall be transferred into his name and with his privity in the books of the Bank or of any other public company, he is to declare the trust thereof to be, to attend the Order of the Court, without any direction for that purpose in the Order directing such investment or transfer.

III.

For the purpose of any payment or investment to be made under any general or special order of or out of any money in the Bank of the aforesaid

any cause, matter, or account, the Accountant-General is (without any direction for that purpose in such Order) to draw on the Bank according to the form prescribed by the Act of Parliament made and passed in the fourth year of the reign of his Majesty King George the First, intituled "An Act for the better securing the Moneys and Effects of the Suitors of the Court of Chancery, and to prevent the Counterfeiting of Exchequer Bills and Indorsements thereon, and likewise Indorsements on South Sea Bonds," and the General Rules and Orders of this Court in that case made and provided.

V.

Where any stocks, funds, shares, or securities standing in the books of the Bank, or of any other public company, in the name of the Accountant-General, in trust, in or to the credit of any cause, matter, or account, shall by any Order be directed to be sold, the same are to be sold with the privity of the Accountant-General, and one of the cashiers of the Bank is to have notice to attend and receive the money to arise by such sale, and upon receipt thereof, is forthwith to pay the same into the Bank, with the privity of the Accountant-General, to the credit of the cause, matter, or account in which such stocks, funds, shares, or securities were standing immediately before the sale, without any direction for that purpose in the Order directing such sale.

VI.

Where any money is directed to be paid out of court to the legal personal representatives of any person, or to any persons as legal personal representatives, the same, or any portion thereof for the time being remaining unpaid, may, upon proof to the Accountant-General of the death of any of such legal personal representatives, whether before, on, or after the day of the date of the Order, be paid to the survivors or survivor of them.

VII.

Where any money is directed to be paid out of court to any person named in the Order, or named or to be named in any report or certificate, or his legal personal representatives, the same or any portion thereof for the time being remaining unpaid, may, on proof to the Accountant-General of the death of such person, whether before, on, or after the day of the date of the Order, be paid to such legal personal representatives, or the survivor or survivors of them.

VIII.

Where any stocks, funds, shares, or securities, are directed to be transferred or delivered out of court to the legal personal representatives of any person, or to any persons as legal personal representatives of any person, the Registrar may, upon proof of the death of any of such representatives, whether before, on, or after the day of the date of the Order, issue a certificate authorising the transfer or delivery of such stocks, funds, shares, or securities, to the survivors or survivor of them; and where any stocks, funds, shares, or securities, are directed to be transferred or delivered out of court to any person, or his legal personal representatives, the Registrar may, upon proof of the death of such person, whether before, on, or after the day of the date of the Order, issue a certificate authorising the transfer or delivery of such stocks, funds, shares, or securities, to such legal personal representatives, or the survivors or survivor of them. And in any of the cases hereinbefore mentioned, such stocks, funds, shares, or securities, may be transferred or delivered accordingly.

IX.

No principal sum of money, nor any stocks, funds, shares, or securities, shall, under Order VI. or Order VIII., be paid, transferred, or delivered out of court to the legal personal representatives of any person, under any probate or letters of administration purporting to be granted at any time subsequent to the expiration of six years from the day of the date of the Order directing such payment, transfer, or delivery.

X.

No interest or dividends shall under Order VI. be paid out of court to the legal personal representatives of any person, under any probate or letters of administration purporting to be granted at any time subsequent to the expiration of six years after the day of the date of the Order directing such payment, or after the last receipt of such interest or dividends under such Order, which shall last happen.

XI.

Where any money is directed to be paid out of court to any persons named or to be named in a Master's Report or Chief Clerk's Certificate, and such money shall by such Report or Certificate be certified to be due to them as partners, the same may be paid to any one or more of such partners.

XII.

Where, upon or after the death of any person to whom the interest or dividends of any stocks, funds, shares, or securities standing in the name of the Accountant-General, in trust in or to the credit of any cause, matter, or account, or any part of such interest or dividends, were or was payable for life, an Order shall be made for the sale, transfer, or delivery of such stocks, funds, shares, or securities, or for payment of the interest or dividends to accrue due thereon subsequently to the death of such person, the same Order shall also provide for the payment to the legal personal representatives of such person, or such proportion of the interest or dividends on such stocks, funds, shares, or securities, as shall have accrued between the last period of payment and the day of his death, unless the Court or Judge shall be of opinion that such legal personal representatives are not entitled thereto, or shall for any other reason otherwise direct.

XIII.

The amounts of residues, and shares of residues, by the 28th General Order of the 31st day of December, 1833, directed to be ascertained and certified by affidavit, shall be specified and ascertained by affidavit, without any direction for that purpose in the Order directing the application of such residues or shares, unless such residues or shares shall be ascertained by the Taxing Master, who is to be at liberty to certify the same without a direction for that purpose in such Order.

XIV.

Where any costs are by any Order directed to be taxed, and to be paid out of any money in Court, the Taxing Master in his Certificate of taxation is to state the total amount of all such costs as taxed, without any direction for that purpose in such Order.

XIV.

Where, by any general or special Order, any money is directed to be laid out with the privity of the Accountant-General, in the purchase of Exchequer Bills or Bonds to be deposited in the Bank to the credit of any cause, matter, or account, and where any Exchequer Bills or Bonds shall be deposited in the Bank, with the privity of the Accountant-General, to the credit of any cause, matter, or account, any principal money or interest which may thereafter be received and paid into the Bank in respect of such bills or bonds, or of any bills or bonds to be purchased with principal, money, or interest, in pursuance of this order, or in respect of any exchanged bills or bonds, shall (unless the Order shall otherwise direct) from time to time as the same shall be so received and paid into the Bank, be also laid out in the purchase of Exchequer Bills or Bonds, with the privity of the Accountant-General, and such Exchequer Bills or Bonds, when so purchased, shall be deposited in the Bank with the privity of the Accountant-General, and placed to the credit of the same cause, matter, or account, subject to the further Order of the Court.

XV.

Where any stocks, funds, shares, or securities, standing in the name of the Accountant-General, in trust in or to the credit of any cause, matter, or account, or any part thereof, shall be directed to be divided and transferred or delivered out of Court to or among several persons, or to be carried over to several separate accounts; and where any money shall be directed to be paid out to or among several persons, or carried over to several separate accounts, the Registrar shall be at liberty, where it shall appear to him to be more convenient so to do, to state the respective amounts of such stocks, funds, shares, securities, or money to be so transferred, paid, or carried over, in a schedule at the foot of the order; and it shall be sufficient to refer to such schedule in the mandatory part of the Order; but in every such case, the total amount of the stocks, funds, shares, securities, or money, respectively, to be dealt with in such schedule, shall be stated in words at length in the mandatory part of the Order.

XVI.

In taking any account directed by any Order, all just allowances shall be made, without any direction for that purpose in such Order.

XVII.

Where, by any Order, any recognizances shall be directed to be vacated, the Clerk of Enrolments shall, on due notice thereof, attend the Master of the Rolls for that purpose, without any direction for that purpose in such Order.

XVIII.

In any Order where the words "The Judge" shall be used, such expression shall mean the judge to whose court the cause or matter wherein such Order is made is for the time being attached. Where the words "The Taxing Master" are used, such expression shall mean the Taxing Master in rotation, or, in case any previous reference shall have been made, the Taxing Master to whom the cause or matter stands referred, as the case may be; and where the words "The Clerk of Records and Writs" shall be used, such expression shall mean the Clerk of Records and Writs in whose division the cause or matter wherein such Order is made, is.

XIX.

Where any cause shall have been standing for one year in the Cause Book, marked as "abated," or standing over generally, such cause shall, at the expiration of the year, be struck out of the Cause Book.

CAMPBELL, C.
JOHN ROMILLY, M.R.
J. L. KNIGHT BRUCE, L.J.
G. J. TURNER, L.J.
RICHD. T. KINDERSLEY, V.C.
JOHN STUART, V.C.
WILLIAM PAGE WOOD, V.C.

Aug. 22, 1859.

Queen's Bench.

SITTINGS at Nisi Prius, in Middlesex and London, before the Right Hon. Sir ALEXANDER EDMUND COCKBURN, Bart., Lord Chief Justice of Her Majesty's Court of Queen's Bench, in and after Michaelmas Term, 1859.

IN TERM.

Middlesex.		*London.*	
1st Sitting ... Thursday ...	Nov. 3	1st Sitting ... Thursday ...	Nov. 10
2nd Sitting ... Monday ...	„ 14	2nd Sitting ... Thursday ...	„ 17
3rd Sitting ... Monday ...	„ 21		

For undefended causes only.

AFTER TERM.

Middlesex.		*London.*	
Saturday ...	Nov. 26	Thursday ...	Dec. 8

The Court will sit at 10 o'clock every day.

The Causes in the list for each of the above sitting days in Term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

Common Pleas.

SITTINGS at Nisi Prius, in Middlesex and London, before the Right Hon. Sir WILLIAM ERLE, Knt., Lord Chief Justice of Her Majesty's Court of Common Pleas, at Westminster, in and after Michaelmas Term, 1859.

IN TERM.

Middlesex.		*London.*	
Monday ...	Nov. 7	Friday ...	Nov. 11
Monday ...	„ 14	Friday ...	„ 18

AFTER TERM.

Middlesex.		*London.*	
Saturday ...	Nov. 26	Thursday ...	Dec. 8

The Court will sit during and after Term at 10 o'clock.

The Causes in the list for each of the above sitting days in Term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

Exchequer of Pleas.

Sittings at Nisi Prius, in Middlesex and London, before the Right Hon. Sir Frederick Pollock, Knt., Lord Chief Baron of Her Majesty's Court of Exchequer, in and after Michaelmas Term, 1859.

IN TERM.

Middlesex.		*London.*	
1st Sitting....Thursday ..	Nov. 3	1st Sitting.....Friday....	Nov. 11
2nd Sitting ..Monday	„ 14	2nd Sitting ....Friday....	„ 18
3rd Sitting ..Monday	„ 21		

AFTER TERM.

Middlesex.		*London.*	
Saturday.....	Nov. 26	Thursday.....	Dec. 8

The Court will sit in and after Term at 10 o'clock.

The Court will sit in Middlesex, at Nisi Prius, in Term, by adjournment from day to day until the Causes entered for the respective Middlesex Sittings are disposed of.

Births, Marriages, and Deaths.

BIRTHS.

ROWE—On July 27, at Colombo, the wife of Sir William Carpenter Rowe, Chief Justice of Ceylon, of a son.

SHERIDAN—On Sept. 26, at Bellefield-house, Fulham, the wife of Henry B. Sheridan, Esq., M.P., of a son.

STORY—On Sept. 24, at Newcastle-upon-Tyne, the wife of Henry Story, Esq., Solicitor, of a daughter.

MARRIAGES.

ATKINSON—LOVEL—On Oct. 5, at the parish church of Burton Agnes, Yorkshire, by the Rev. J. Hordern, M.A., vicar, Thomas Atkinson, Esq., of Doncaster, Solicitor, to Sarah, fourth daughter of the late William, Lovel, Esq., of Nafferton Grange.

DUCKWORTH—CAMPBELL—On Oct. 4, at All Saints, Knightsbridge, by the Lord Bishop of Lichfield, assisted by the Rev. W. Harness, incumbent, and the Rev. J. R. Errington, vicar of Ashburne, Derbyshire, the Rev. William Arthur Duckworth, eldest surviving son of William Duckworth, Esq., of Orchard Leigh-park, Somersetshire, to the Hon. Edina Campbell, youngest daughter of the Lord Chancellor and the Lady Strathedeen and Campbell.

DUNOLLY—ANSTEY—On Oct. 1, at the Catholic Church, Warwick-street, James Logan Dunolly, Esq., of Kurrachee, Scinde, to Procla, eldest daughter of T. C. Anstey, Esq.

FORWARD—BROWN—On Sept. 15, at Combe St. Nicholas, Somerset Samuel Forward, Esq., Solicitor, of Chard, to Frances Eliza, only daughter of John Brown, Esq., of Wadeford, Combe St. Nicholas.

FRY—PEASE—On Sept. 29, at the Friends' Meeting-house, Saffron Walden, Essex, Lewis Fry, of Bristol, Solicitor, son of Joseph Fry, of the same city, to Elizabeth Pease, daughter of the late Francis Gibson, of Saffron Waldon.

DEATHS.

BESSONNETT—On Oct. 2, at his residence, Lower Leeson-street, Dublin, James Bessonnett, Esq., Q.C., Assistant Barrister for the County Waterford.

BOYSE—On Sept. 19, at Paris, aged 36, Augustus F. Boyse, Esq., Barrister-at-Law, of the Inner Temple.

DOWLING—On Sept. 30, at Llantarnam Abbey, near Newport, Monmouthshire, Richard Brinsley Dowling, Esq., of the Middle Temple, London, B.L.P.

EDWARDS—On Oct. 4, at Framlingham, Suffolk, in the 69th year of his age, William Edwards, Esq., Solicitor.

ELYARD—On Oct. 1, at his residence, Upper Tooting, Samuel Elyard, Esq., son of her Majesty's Justices of the Peace, and Deputy-Lieutenant for the county of Surrey, in the 65th year of his age.

FOX—On Oct. 5, at his residence, Dartmouth, John Elliott Fox, Esq., of 40, Finsbury-circus, Solicitor, aged 64.

HALL—On Oct. 3, at the residence of her father, Thomas Dalton, Esq., of Holly-grove, Mottram, in Longdendale, in her 34th year, Margaret Louisa, wife of Henry Hall, Esq., of Ashton-under-Lyne.

HICKS—On Oct. 1, at 6, South-crescent, Bedford-square, John Hicks, Esq., Barrister-at-Law.

RUDALL—On Sept. 18, Anna Eliza, wife of John Rudall, Esq., of Stone-buildings, Lincoln's-inn, and 59, Eaton-square.

SABEN—Lately, Henry Saben, Esq., Solicitor, Green-gate-street, Stafford.

STAINBANK—On Oct. 1, at Skirbeck Quarter, Boston, Lincolnshire, Robert William Stainbank, Esq., J.P., in his 81st year.

THOMPSON—On Sept. 24, at Hombourg, Frankfort-on-the-Maine, after a long illness, Denzil Ibbetson Thompson, Esq., of 29, Great Cumberland-place, Hyde-park, aged 76, a Justice of the Peace, and Deputy-Lieutenant for the county of Middlesex.

Unclaimed Stock in the Bank of England.

The Amount of Stock heretofore standing in the following Names will be transferred to the Parties claiming the same, unless other Claimants appear within Three Months:—

Denison, Right Rev. Edward, D.D., Bishop of Salisbury, Very Rev. Hugh Nicolas Pearson, D.D., Dean of Salisbury, Rev. George Ernest Howman, Clerk, Master of St. Nicholas Hospital, Sarum, and Rev. Frederick Pleydell Bouverie, Canon of Salisbury, £381 : 10 : 8 Three per Cent. Annuities.—Claimed by the Rev. George Ernest Howman, the survivor.

To Mary Lucraftes, Spinster, Clapham, Surrey, £1,341 : 16 : 8 Consolidated Three per Cent. Annuities.—Claimed by the same.

English Funds.

English Funds.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Bank Stock	..	..	..	221	221	..
3 per Cent. Red. Ann...	..	..	..	..	..	..
3 per Cent. Cons. Ann...	95⅝ ⅜	95⅝ ½	95⅝ ½	96⅛	95⅞ ⅝	95⅝
New 3 per Cent. Ann...	..	..	..	..	..	..
New 2½ per Cent. Ann...	..	..	..	..	..	..
New 2½ per Cent. Ann.	..	..	..	..	..	..
5 per Cent. Ann.	..	..	..	..	..	..
Consols for account	95⅝	95⅝	95⅝ ½	96⅛	96⅛	95⅝
Long Ann. (exp. Jan. 5, 1860)	..	..	..	..	..	..
Do. 30 years (exp. Jan. 5, 1880)	14	..	..	..	..	..
Do. 30 years (exp. Apr. 5, 1885)	..	..	..	..	..	..
India Debentures, 1858..	..	95⅝	..	..	96⅛ ⅜	..
Ditto 1859..	95⅛	95⅛	95⅛ ⅜	95⅛ ⅜	95⅛ ⅜	95⅛
India Stock	..	..	..	219	219	..
India Loan Scrip.	101 0⅞	101⅛	101⅛	101⅛ ⅜	101⅛ ⅜	101⅛
India Loan Stock	100⅝ 1	101	101⅛	101⅛ ⅜	101⅛	101⅛
India Bonds (£1,000) ..	par	par	5s d	par	..	..
Do. (under £1000)	..	..	par	par	..	..
Exch. Bills (£1000) Mar.	23s6s p	26s3s p	26s3s p	24s7s p	24s7s p	27s p
Ditto June....	..	..	..	..	..	..
Exch. Bills (£500) Mar.	23s6s p	..	..	..	..	27s p
Ditto June....	..	..	..	..	..	..
Exch. Bills (Small) Mar.	23s6s p	..	..	..	..	27s p
Ditto June	..	..	..	..	..	..
Do. (Advertised)	..	..	..	..	..	..
Exch. Bonds, 1858, 3½ per Cent.	..	..	..	..	..	..

Railway Stock.

Railways.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Birk. Lan. & Ch. Junc..	..	..	..	..	..	..
Bristol and Exeter	..	99½	..	99	99½	99
Caledonian	89½ ½	89⅝ ½	89½ ½	89½	..	89½
Chester and Holyhead..	..	..	..	..	..	..
East Anglian	..	..	..	..	..	..
Eastern Counties	55⅜ 6⅛	55½ ⅜	55⅛	55⅛	..	..
Eastern Union A. Stock.	..	..	..	..	20½ ½	..
Ditto B. Stock	..	..	20	..	..	..
East Lancashire	..	..	..	..	..	..
Edinburgh and Glasgow	78½	78	..	78⅝	..	..
Edin. Perth, and Dundee	27⅜ ½	..	..	27½ ½	27⅜	..
Glasgow & South-Westn.	90⅜	..	..	..	..	..
Great Northern	102¼	102¼	102¼	102¼	..	..
Ditto A. Stock	..	86	..	86	85½	..
Ditto B. Stock	..	131½ 1	..	..	..	..
Gt. South & West. (Ire.)	..	..	106⅜	..	..	..
Great Western	63⅝	63½ ½	63⅝ ⅜	63⅝ ½	63½ ⅜	63½ 63
Do. Stour Vly. G. Stk.	..	..	..	..	..	..
Lancashire & Yorkshire	96½	96½	96½ 6	96⅝	96½	..
Lon. Brighton & S. Coast	113 12½	..	112⅝ ½	..	112⅝ ⅜	112½
London & North-Westn..	93⅜ 4	93⅜ 3⅝	93½ 4	93⅝ ⅜	94⅛ 4	93⅜ ½
London & South-Westn.	94 3⅜	94⅜ ½	94⅜ 4	..	94½	..
Man. Sheff. & Lincoln..	..	35½ ½	..	..	35⅝	..
Midland	105⅜ ⅜	105⅜ ½	105⅜ ½	105⅜ ⅜	105⅜ ⅜	105⅜ ⅜
Ditto Birm. & Derby	86	..	..	..	..	..
Norfolk	..	..	..	..	..	..
North British	..	59½	..	..	..	..
North-Eastern (Brwck.)	89½ ½	..	88⅛ 9½	89½	89⅜ ⅜	89⅜
Ditto Leeds	..	..	..	..	..	44⅜ ½
Ditto York	..	72⅜ ⅜	..	..	72⅜ 2	72⅜
North London	..	..	..	104½ 4	..	..
Oxford, Worc. & Wolver.	..	32½ 2	..	..	..	32½
Scottish Central	..	117	..	..	115½	..
Scot. N.E. Aberdeen Stk.	25½ 6	..	26	..	..	..
Do. Scotsh. Mid. Stk.	..	..	..	..	..	..
Shropshire Union	45½	46	..	..	..	..
South Devon	45	45½ 7	46½	47	..	..
South-Eastern	77 6⅜	76 ⅝ 6⅜	77⅛ 6⅜	76⅜ 7½	77	76½ ⅜
South Wales	..	70 9	..	..	79 1	..
Vale of Neath	..	..	..	..	..	..

Estate Exchange Report.

AT THE MART.

By Messrs. Haslam & Buckland.

The Absolute Reversion to the sum of £585 : 13 : 4 Three per Cent. Consols, expectant upon the decease of a lady, now aged 83 years.—Sold for £240.

The Absolute Reversion to £706 : 15 : 9 Three per Cent. Annuities, conceivable on the death of a gentleman now in his 65th year; also the Contingent Reversion to £199 : 3 : 11 of like Stock, in the event of the decease, under the age of 21 years, without having been married, of a lady now aged 17 years.—Sold for £355.

Valuable Annuity of £166 : 4 : 0, arising out of a moiety of trust funds during the life of a lady aged 53 years, subject to reduction during and increasable on the dropping of a life now aged 68 years.—Sold for £410.

By Messrs. Norton, Hoggart, & Trist.

Leasehold improved Rental of £160 per annum, arising out of a dwelling-house and shop, No. 131, Oxford-street; term, 25½ years from September, 1847.—Sold for £1,300.

Leasehold Residence, with coachhouse, stabling, &c., and about 12 acres of land, known as the "Hall," Clapham-common; term, 7 years from Michaelmas, 1859, at £275 per annum.—Sold for £950.

By Mr. Debenham.

Leasehold House, No. 27, Melina-place, Sheep-lane, Cambridge-heath.—Sold for £240.

Leasehold Residence, No. 4, Eleanor-villas, Hackney.—Sold for £220.

Leasehold Residence, East-villa, Navarino-road, Richmond-road, Hackney.—Sold for £750.

Leasehold, Effingham-house, Navarino-road, Hackney.—Sold for £690.

Leasehold private Residences, Nos. 7 & 8, Victoria-terrace, Donatto-road, Counter-hill, New Cross; let at £90 per annum; term, 99 years from March, 1855; ground-rent, £4 per annum.—Sold for £750.

By Messrs. Peter Broad & Pritchard.

Leasehold, Nos. 1 & 2, Orchard-street, Wandsworth-road, and stable and loft adjoining; let at £50: 1: 0 per annum.—Sold for £230.

Leasehold Houses, Nos. 75 to 78, Great Guildford-street, Southwark; let at £93 per annum.—Sold for £445.

Leasehold Dwelling-houses, Nos. 22 & 23, Warner-street, New Kent-road; let at £54 per annum.—Sold for £325.

Leasehold Houses, Nos. 16 to 18, Frederick-street, Neckinger-road, Bermondsey; let at £53: 6: 0 per annum.—Sold for £285.

Lease of the "British Prince," Grove-road, Hammersmith; held for 99 years from March, 1843; ground-rent, £15 per annum; let on lease for 21 years from December, 1843, at £42 per annum.—Sold for £510.

Leasehold, Stamsby-cottage, Willow-vale, Shepherd's Bush; let at £15 per annum.—Sold for £100.

By Mr. C. Furber.

The British Barque "Alice," with the masts, spars, standing and running rigging, boats, and all stores now on her.—Sold for £1,110.

By Mr. Mabbs.

Freehold (Three) Dwelling-houses, Bell-grove, High-road, Welling, Kent; let at £24: 14: 0 per annum.—Sold for £190.

Leasehold House, No. 6, Down-street, Piccadilly; let at £105 per annum.—Sold for £110.

Leasehold Houses, Nos. 2 & 5, Brewer-street, Chelsea.—Sold for £305.

Leasehold House, No. 12, Marlborough-square; and a small tenement in Little College-street, Chelsea; let at £45: 6: 8 per annum; term, 99 years from Christmas, 1809; ground-rent, 1s. per annum.—Sold for £190.

Leasehold House, No. 19, Marlborough-square, Chelsea; let at £28 per annum; term, 95 years from Christmas, 1813; ground-rent, £5 per annum.—Sold for £170.

Freehold, 3a. 3r. 12p. Accommodation Land, fronting Albion-terrace, Gravesend, Kent.—Sold for £312.

By Mr. Newson.

Freehold Building Land, with a frontage of 95 feet to Castle-lane, Westminster.—Sold for £970.

By Messrs. Brown & Roberts.

Leasehold Semi-detached Residences, Nos. 1 & 2, Alva-cottages, Upper Tulse-hill, Brixton, Surrey; term, 65 years from Michaelmas, 1859; ground-rent, £30 per annum; annual value, £100.—Sold for £640.

Leasehold (Two) Semi-detached Residences, known as Craven-cottage and York-cottage, Upper Tulse-hill; term 60 years from Lady-day last, at a ground-rent of £15 per annum; annual value, £90.—Sold for £390.

By Messrs. Norton, Hoggart, & Trist.

Freehold and Tithe Free Property, known as the "North Charford Estate," North Charford Fordingbridge, Hampshire, comprising family residence, stabling, offices, lawns, pleasure grounds, well arranged farm-buildings, and about 534 acres of arable and meadow land.—Sold for £24,050.

By Mr. H. Sowden.

Leasehold Houses, Nos. 60 & 61, Beresford-street, Walworth; let at £46 per annum; term, 41½ years from June, 1848; ground-rent, 5 guineas per annum.—Sold for £310.

Leasehold, Two Residences, known as "Mary Ann Cottages," Hill-street, Walworth; held for same term and ground-rent; let at £44 per annum. Sold for £270.

Leasehold Houses, Nos. 1 & 2, Marshall-street, St. George's-road, Southwark; let at £41: 12: 0 per annum; held for 64½ years, from September, 1852; ground-rent, £7 per annum.—Sold for £310.

Leasehold Houses, Nos. 1 & 2, Union-street, St. George's-road; let at £36: 8: 0 per annum; held for same term and ground-rent.—Sold for £240.

AT GARRAWAY'S.

By Mr. Boyes.

Leasehold Houses and Shops, Nos. 4 & 5, Eaton-terrace, and Dwelling-house, No. 6, Eaton-terrace, Well-street, Hackney; let at £71 per annum; term, 91 years from Midsummer last, at a peppercorn.—Sold for £485.

Leasehold Cottage Residence, No. 12, Page's-cottages, South Hackney; estimated value, £30 per annum; held for 91 years from Midsummer last, at a peppercorn.—Sold for £305.

By Mr. Minister.

Leasehold House, No. 5, Bruce-villas, Eleanor-road, Hackney; let at £30 per annum.—Sold for £300.

By Messrs. Haines & Son.

Lease and Goodwill of the "Grapes" Wine and Spirit Vaults, at the corner of Great Earl-street and Queen-street, Seven Dials; term, 98 years from Christmas last, at £36 per annum.—Sold for £2,160.

Lease and Goodwill of the "Golden Eagle" public-house, No. 234, High-street, Shadwell; term, 46 years from March last, at £30 per annum.—Sold for £900.

By Messrs. Chadwick & Son.

Freehold, Two Dwelling Houses, Weston-street, Weston-hill, Norwood, Surrey; let on lease at £25 per annum.—Sold for £340.

Freehold, Four Houses and Shops, adjoining; let on lease at £40 per annum.—Sold for £560.

Freehold House, adjoining; let at 12 guineas per annum.—Sold for £160.

Freehold, Two Houses and a Plot of Land, Weston-hill, Norwood; annual value, £20.—Sold for £470.

By Mr. Parker.

Leasehold House, No. 18, Huntworth-street, Marylebone; let at £36 per annum.—Sold for £305.

Leasehold House, 78, Praed-street, Paddington; let at £30 per annum.—Sold for £425.

By Mr. Murrell.

Leasehold Dwelling-houses, Nos. 7 & 8, St. George's-terrace, Great Cambridge-street, St. Pancras; term, 80 years from Sept. 1854; ground-rent, £10 per annum.—Sold for £310.

By Mr. E. Lumley.

Freehold Semi-detached Residence, No. 1, Myrtle-cottages, Leicester-road, Barnet; let at £22 10s. per annum.—Sold for £365.

Freehold House, No. 2, Myrtle-cottages, Barnet; let at £22 10s. per annum.—Sold for £375.

The Lease of the Business Premises, No. 22, Shaftesbury-terrace, Pimlico; term, 12 years from June, 1855, at a rent of £55 per annum.—Sold for £60.

By Messrs. Ellis & Son.

Freehold Dwelling-house and Shop, No. 14, Panton-street, Haymarket; let on lease at £65 per annum.—Sold for £930.

Freehold House and Shop, No. 15, Panton-street; let on lease at £85 per annum.—Sold for £1,040.

Freehold House and Shop, No. 16, Panton-street; let on lease at £85 per annum.—Sold for £840.

Freehold House and Shop, No. 17, Panton-street; let on lease at £85 per annum.—Sold for £940.

Freehold House and Shop, No. 18, Panton-street; let on lease at £105 per annum.—Sold for £1,550.

Freehold House and Shop, No. 42, Whitcomb-street, Haymarket; let on lease at £70 per annum.—Sold for £960.

Freehold House and Shop, 47, Whitcomb-street; let at £43 per annum.—Sold for £640.

Freehold House and Shop, No. 14, James-street adjoining; let at £75 per annum.—Sold for £1,120.

Freehold House and Shop, No. 23, Old Jewry, Cheapside; let on lease at £118 per annum.—Sold for £2,170.

Return of Property sold and bought in during last Three Months.

	Sold.	Bought in.	Total.
July	£547,898	£514,780	£1,062,678
August	306,418	702,464	1,008,882
September	125,375	163,730	289,105
	£979,691	£1,380,974	£2,360,665

London Gazettes.

Perpetual Commissioners for taking the Acknowledgments of Married Women.

Tuesday, *Oct.* 4, 1859.

Chapman, William Emerson, jun., Gent., Hartling, Lincolnshire.
Cubbham, Arthur John, Gent., Mansfield, Notts.

Professional Partnership Dissolved.

Tuesday, *Oct.* 4, 1859.

Crockett, George Lethall, & Joseph Bullingsley Bullock, Attorneys & Solicitors, 51 Lincoln's-inn-fields (Bullock & Crockett). Business will be carried on by G. L. Crockett.

Creditors under 22 & 23 Vict. cap. 35.

Last Day of Claim.

Tuesday, *Oct.* 4, 1859.

Cohen, Samuel Philip, Gent., late of Swansea, Glamorganshire (who died on or about Aug. 15, 1855). Send particulars of debts in writing to Beor, Solicitor, St. Mary-st., Swansea. Dec. 26.
Buckfield, Samuel, Ropemaker, Penny-fields, Poplar.

Friday, *Oct.* 7, 1859.

Biggs, George (who died on May 23), 431 Strand, Dunstable, Saddler. 6 Lyons-inn, Newcastle-st., Strand. Dec. 31.
Johnson, Jane, Spinster, late of Summer-hill, Birmingham, formerly of Castle Bromwich (deceased). Fowler, jun., Birmingham, Surveyor. Ludlow, Birmingham, Solicitor. Nov. 7.
Townley, Charles Augustus, Colonial Broker, late of Mincing-lane, and of Burleigh-villa, Bridge-rd., St. John's-wood (who died on Feb. 20). Poole & Gamlen, Solicitors, 3 Gray's-inn-sq. Nov. 1.

Winding-up of Joint Stock Company.

Unlimited, in Chancery.

Tuesday, *Oct.* 4, 1859.

Newcastle Commercial Banking Company.—Winding up, Oct. 17, M. R. *Sols.* Hill & Mathews, 1 Bury-st., St. Mary-axe.

Assignments for Benefit of Creditors.

Tuesday, *Oct.* 4, 1859.

Burton, Samson Henry, Ironmonger, 24 Buckingham-rd., Brentford. Sept. 26. *Trustee*, J. Barrett, Cabinet Maker, 6 Fashion-st., Spitalfields. *Sols.* Jones & Starling, 11 Gray's-inn-sq.
Cox, Samuel Duncan, & John Cox, Newspaper Proprietors, St. Ives, Huntingdonshire. Sept. 7. *Trustee*, H. Harrild, Printer's Broker, Farringdon-st.; J. Tibbits, Paper Agent, 5 Bridge-row. *Sols.* Mackrell, 34 Cannon-st. West; or Watts, St. Ives.
Gutheir, Abraham, Tailor, 54 New Bond-st. Sept. 12. *Trustee*, W. E. Wheeler, Cloth Factor, Ludgate-st. *Sols.* Fraser & May, 76 Dean-st., Soho.
Hill, Edward, Shoe Manufacturer, Summer-lane, Birmingham. *Sols.* *Trustees*, J. Clarke, Tanner, Kidderminster; E. S. Walford, Surveyor, Cannon-st., Birmingham. *Sols.* Powell & Son, Birmingham.

LUSTY, JESSE, Smallware Dealer, 86 Crown-st., Liverpool. Sept. 24. *Trustees*, C. Pumphrey, Pin Manufacturer, Strond and Birmingham; E. Laundy, Accountant, Birmingham. *Sols.* W. & A. V. Morgan, Birmingham.

M'DOUGAL, JAMES, Draper, Leicester. Sept. 21. *Trustee*, M. G. Allan, Wholesale Draper, Birmingham. *Sol.* Harvey, Leicester.

MOSELEY, SAMUEL, Cabinet Maker, Neath, Glamorganshire. Sept. 9. *Trustees*, U. Alsop, Timber Merchant, Broad Mead, Bristol. *Sol.* Cuthbertson, Neath.

REAH, GEORGE, Joiner, Bishopwearmouth. Sept. 24. *Trustees*, J. Peacock, Engraver, Bishopwearmouth; J. Thompson, Timber Merchant, Bishopwearmouth. *Sols.* Scarisbrick, Bishopwearmouth; Thompson, 53 Villiers-st., Bishopwearmouth; or A., J., & W. Moore, Bishopwearmouth.

RIDGE, WILLIAM, Joiners' Tool Maker, Sheffield. Sept. 6. *Trustees*, J. Rayner, Book-keeper, Sheffield; J. Turner, Steel Merchant, Sheffield. *Sols.* Broadbent, Sheffield; Fenton, Sheffield; or Rayner, Sheffield.

FRIDAY, *Oct.* 7, 1859.

BELL, MARY, Milliner & Straw Bonnet Maker, Penrith, Cumberland. Oct. 4. *Trustees*, J. Pattinson, Draper, Penrith; J. Birkett, Accountant, Penrith. Creditors to execute on or before Jan. 4. *Sol.* Brunskill, Penrith.

CHAMBERS, JAMES, Draper, Torquay, Devon. Sept. 22. *Trustees*, E. Calcicott, Wholesale Warehouseman, Cheapside; C. J. Leaf, Wholesale Warehouseman, Old Change. *Sol.* Morris, 6 Old Jewry.

ELLIS, JOHN, Victualler & Lace Maker, Nottingham. Sept. 22. *Trustees*, N. Pratt, Maltster, Sneinton, Nottinghamshire; W. W. Willerton, Maltster, Nottingham. Creditors to execute on or before Dec. 22. *Sols.* Cowley, & Everall, Nottingham.

EUSTACE, JOHN, 21 Union-st., Bishopsgate-st. Sept. 21. *Trustees*, L. Isenbeck, Merchant, 21 Leadenhall-st.; S. M. Axtell, Tanner, Russell-st., Horsleydown; J. Woolf, 10 Rose-ct., Dockhead. *Sols.* Lumley & Lumley, 41 Lndgate-st.

HALL, RICHARD, Linen Draper, St. John-st. and Cheapside. Sept. 23. *Trustees*, W. Morley, jun., Merchant, Gutter-lane; C. J. Leaf, Merchant, Old Change. *Sol.* Jones, 15 Size-lane.

HAWES, SAMUEL, Draper, Stamford, Lincolnshire. Sept. 10. *Trustees*, E. C. Bousfield, Warehouseman, 60 Gracechurch-st.; J. T. Fisher, Manufacturer, Marsden, Huddersfield. *Sols.* Mason & Sturt, 7 Gresham-st.; or Laxton, Stamford, Lincolnshire.

HENSHE, JAMES, Draper, 15 Caledonian-rd., King's-cross. Sept. 10. *Trustee*, B. Smith, Warehouseman, St. Martin's-le-Grand; D. Smith, Warehouseman, 3 Wood-st. *Sol.* Mardon, 99 Newgate-st.

SMALE, JOHN ROWE, Grocer, Lydney, Gloucestershire. Sept. 14. *Trustees*, T. Wintle, Miller, Mitcheldean, Gloucestershire; J. T. Stuttard, Warehouseman, Wood-st. *Sols.* Mason & Sturt, 7 Gresham-st.; Carter & Gould, Newnham, Gloucestershire.

Bankrupts.

TUESDAY, *Oct.* 4, 1859.

BLOCKSIDGE, THOMAS BENJAMIN, Tobacconist, Birmingham. *Com.* Sanders: Oct. 20 and Nov. 10, at 11.30; Birmingham. *Off. Ass.* Whitmore. *Sols.* Southall & Nelson, Birmingham. *Pet.* Sept. 29.

BROWN, JOHN, Beer Seller, 190 High-st., Hoxton. *Com.* Evan: Oct. 13, at 2; Nov. 10, at 1; Basinghall-st. *Off. Ass.* Bell. *Sol.* Chidley, Basinghall-st. *Pet.* Sept. 29.

FLEGG, CHARLES, Milliner, Great Yarmouth. *Com.* Holroyd: Oct. 15, at 12.30; Nov. 22, at 12; Basinghall-st. *Off. Ass.* Lee. *Sol.* Jones, 15 Size-lane. *Pet.* Sept. 26.

INGLIS, DAVID ALEXANDER, Commission Agent, Liverpool. *Com.* Perry: Oct. 19 and Nov. 7, at 11; Liverpool. *Off. Ass.* Turner. *Sol.* Pemberton, Liverpool. *Pet.* Oct. 1.

LEIGH, BASSETT EDWARD, Merchant, Birmingham. *Com.* Sanders: Oct. 20, and Nov. 10, at 11.30; Birmingham. *Off. Ass.* Whitmore. *Sols.* Southall & Nelson, Birmingham; or Richardson & Sadler, Old Jewry-chambers. *Pet.* Sept. 26.

PARS, THOMAS HUSTLER, Grocer, Newmarket St. Mary, Suffolk. *Com.* Holroyd: Oct 18, at 12; Nov. 22, at 1; Basinghall-st. *Off. Ass.* Edwards. *Sols.* Lawrance, Plews, & Boyer, 14 Old Jewry-chambers. *Pet.* Oct. 1.

THEMANS, JACOB, Tobacconist, 187 St. George's-st. East, Middlesex. *Com.* Evans: Oct. 14, at 1; Nov. 10, at 2; Basinghall-st. *Off. Ass.* Johnson. *Sol.* Cutler, 5 Bell-yard, Doctors' Commons. *Pet.* Sept. 23.

WILSON, THOMAS, Farmer, Wickersley, Yorkshire. *Com.* West: Oct. 15 and Nov. 19, at 10; Sheffield. *Off. Ass.* Brewin. *Sol.* Fernell, Sheffield. *Pet.* Sept. 26.

FRIDAY, *Oct.* 7, 1859.

GOODMAN, DAVID, Watchmaker, Cardiff. *Com.* Hill. Oct. 18, and Nov. 15, at 11; Bristol. *Off. Ass.* Acraman. *Sol.* Barker, Bristol. *Pet.* Sept. 27.

TABBERER, CHARLES, Ale, Beer, and Porter Seller, Saltisford, Warwick. *Com.* Sanders. Oct. 20, and Nov. 10, at 11.30; Birmingham. *Off. Ass.* Kinnear. *Sols.* Wilson, Worcester; or E. & H. Wright, Birmingham. *Pet.* Sept. 28.

TEMPLE, CRAVEN, Lodging-house-keeper, Filey, Yorkshire. *Com.* West. Oct. 21, and Nov. 18, at 11; Leeds. *Off. Ass.* Young. *Sols.* Jarratt, Driffield; or Bond & Barwick, Leeds. *Pet.* Sept. 20.

TIDSWELL, THOMAS, Lace Maker and Manufacturer, Nottingham. *Com.* Sanders. Oct. 18, and Nov. 8, at 11.30; Nottingham. *Off. Ass.* Harris. *Sol.* Shilton, Nottingham. *Pet.* Oct. 5.

WILDBORE, OLONZO AUGUSTUS, Chemist, 159 Old-st., and 38 Hatton Garden Wholesale Jeweller. *Com.* Evans. Oct. 20, at 1; and Nov. 17, at 12; Basinghall-st. *Off. Ass.* Bell. *Sols.* Linklaters & Hackwood, Walbrook. *Pet.* Sept. 27.

MEETINGS FOR PROOF OF DEBTS.

TUESDAY, *Oct.* 4, 1859.

GENT, THOMAS, Machine Maker, Manchester. Oct. 19, at 12; Manchester.

MAW, ISAAC TETLEY, Farmer, Fridaythorpe, Yorkshire. Oct. 26, at 12; Kingston-upon-Hull.

MITCHELMORE, GEORGE HUMBERSTONE, Builder, 9 Fitzroy-ter., Haverstock-hill. Oct. 25, at 1; Basinghall-st.

SMART, HENRY, Dealer in Pictures, 10 Tichborne-st., Haymarket. Oct 27, at 12.30; Basinghall-st.

THOMSON, GEORGE, & JAMES FOSTER FORBES, Corn Factors, 41 Cruched Friars. Oct. 25, at 1; Basinghall-st.

FRIDAY, *Oct.* 7, 1859.

BAILEY, GEORGE MILLER, Grocer, Liverpool. Oct. 28, at 11; Liverpool.

BECKETT, JONATHAN, Licensed Victualler, Aylesbury. Oct. 28, at 11; Basinghall-st.

CREETHAM, THOMAS, THOMAS THORNLEY, & THOMAS LOMAS INGLE, Hosiers, Basford, Nottinghamshire. Nov. 24, at 11.30; Nottingham.

DUNKERLEY, JOSEPH, Silk Manufacturer, Macclesfield. Nov. 10, at 12; Manchester.

EDWARDS, EDWARD, Ironmaster, Abenbury Vichan, Wrexham, Flintshire. Oct. 28, at 11; Liverpool.

GLADSTONE, JOHN (J. Gladstone, jun., & Co.), Iron Founder, Liverpool. Oct. 28, at 11; Liverpool.

LIDDLE, DUNCAN ROBERT BARHAM, Wine Merchant, 67 Princes-st., Leicester-sq., and of Rose Bank, Fulham. Nov. 1, at 12; Basinghall-st.

MACDOUGALL, DUNCAN, Factor, Liverpool. Oct. 28, at 11; Liverpool.

MORGAN, SAMUEL WHITFIELD, Stock & Sharebroker, 38 Throgmorton-st. Oct. 28, at 12; Basinghall-st.

OXLEY, GEORGE PREVOST, Merchant & Shipowner, Liverpool. Oct. 28, at 11; Liverpool.

POWELL, JAMES, Draper, 13 Middle-row, Knightsbridge. Oct. 28, at 11.30; Basinghall-st.

ROBERTS, OWEN, Draper, Bangor. Oct. 28, at 11; Liverpool.

ROWE, JOHN THOMAS, Merchant & Shipowner, Liverpool; formerly of Charlotte Town, Prince Edward's Island, British North America. Oct. 28, at 11; Liverpool.

SHARP, JOHN, Apothecary, 21 Grosvenor-st. West, Eaton-sq. Oct. 28, at 11.30; Basinghall-st.

THOMAS, DANIEL, Draper, Carnarvon. Oct. 28, at 11; Liverpool.

WOOD, GEORGE, Builder, Rayleigh, Essex. Nov. 1, at 2; Basinghall-st.

WYCH, THOMAS, Innkeeper, Macclesfield. Nov. 10, at 12; Manchester.

CERTIFICATES.

To be ALLOWED, *unless Notice be given, and Cause shown on Day of Meeting.*

TUESDAY, *Oct.* 4, 1859.

BURTON, LANGLEY, Upholsterer, Melton Mowbray. Nov. 8, at 11.30; Nottingham.

BUSHELL, JOHN, Licensed Victualler, Wolverhampton. Oct. 27, at 11.30; Birmingham.

FREEMAN, JOHN, Chemist, 13 Blackfriars-road. Oct. 26, at 12; Basinghall-st.

HOLMES, JAMES, formerly Mercantile Agent, 4 Charlotte-row, Mansion-house, now Licensed Victualler, 7 & 8 New Coventry-st., and 31 Elgin-crescent, Kensington. Oct. 27, at 1.30; Basinghall-st.

HOULDEN, THOMAS, Dealer in Horses, Earls Colne, Essex. Oct. 27, at 1.30; Basinghall-st.

INGRAM, CHARLES THOMAS, Oil Merchant, 155 Fenchurch-street. Oct. 26, at 11.30; Basinghall-st.

MANHEIM, BARR ADOLPH, Boot and Shoe Manufacturer, 16 Fore-st. Oct. 26, at 12.30; Basinghall-st.

PARSLOW, GEORGE, Timber Merchant, 63 Old-st., St. Luke's. Oct. 26, at 1; Basinghall-st.

PETERS, THOMAS, Tailor, Cambridge. Oct. 26, at 1.30; Basinghall-st.

FRIDAY, *Oct.* 7, 1859.

ASTON, JOHN, Maltster, Birmingham, and Beerseller, Aston-rd., Birmingham. Nov. 3, at 11.30; Birmingham.

CROCKFORD, FREDERICK, Commission Agent, 55 St. James's-st., Middlesex. Oct. 28, at 1; Basinghall-st.

FRANCE, EPHRAIM, & HENRY FRANCE, Woollen Manufacturers, Linthwaite, Almondbury, Yorkshire. Nov. 8, at 11; Leeds.

HILES, JAMES, & DAVID WALTER JENKINS, Coal Merchants, Tipton, Stafford. Nov. 3, at 11.30; Birmingham.

JONES, HUGH, Wholesale Grocer, Chester. Oct. 28, at 1; Liverpool.

NIMMO, WILLIAM, Spinner and Manufacturer, Wellington Mills, Pendleton, and Manchester. Oct. 28, at 12; Manchester.

RIMMINGTON, JOHN, & SAMUEL RIMMINGTON, Tea Dealers, Kingston-upon-Hull. Nov. 9, at 12; Kingston-upon-Hull.

SMITH, WILLIAM, Banker, Hemel Hempsted and Watford, Hertfordshire. Oct. 28, at 12.30; Basinghall-st.

STURENBURG, HENRY, & WILLIAM GOLDENSTEDT, Shipbrokers, Liverpool. Oct. 28, at 12; Liverpool.

TUCKER, WILLIAM OWEN, Builder and Contractor, Lea-bridge-rd., Essex. Oct. 28, at 11.30; Basinghall-st.

WINGAD, HEZEKIAH, Tailor and Draper, Nettleham, Lincoln. Nov. 9, at 12; Kingston-upon-Hull.

WOOD, GEORGE, Builder, Rayleigh, Essex. Nov. 1, at 2; Basinghall-st.

To be DELIVERED, *unless* APPEAL *be duly entered.*

TUESDAY, *Oct.* 4, 1859.

FRAMPTON, GEORGE, Tailor, 94 Harrow-rd., Paddington. Sept. 24, 2nd class; to be suspended for four months.

KEEL, JOHN THOMAS, News Agent, late of 16 Catherine-st., Strand, then of 283 Strand, now of 48 Howland-st., Tottenham-ct.-rd., and 5 Bouverie-st., Printer. Sept. 28, 2nd class.

Scotch Sequestrations.

TUESDAY, *Oct.* 4, 1859.

ARNOT, JOHN, Accountant, Glasgow. Oct. 10, at 12; Faculty-hall, Glasgow. *Seq.* Sept. 29.

DUNLOP, JAMES, Wine and Spirit Merchant, Glasgow. Oct. 7, at 12; Faculty-hall, Glasgow. *Seq.* Sept. 29.

M'KELLAR, JOHN, Wright and Builder, Victoria-st., Govan, Lanarkshire. Oct. 7, at 12; Faculty-hall, Glasgow. *Seq.* Sept. 28.

FRIDAY, *Oct.* 7, 1859.

BARCLAY, GEORGE, Farmer, Palacerigg, Dumbarton. Oct. 14, at 2: Spurtan, Cumbernauld. *Seq.* Oct. 3.

DICKSON, JOHN, Carter, Broom-house, Blantyre, Lanarkshire. Oct. 18, at 2; house of Alexander Binning, Almada-st., Hamilton. *Seq.* Oct. 5.

THOMSON, HUGH, sen., Miller, Craighead Mills, Lesmahagow. Oct. 12, at 2; Faculty-hall, Glasgow. *Seq.* Oct. 4.

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The Subscription to the SOLICITORS' JOURNAL AND WEEKLY REPORTER, *is 2l. 12s. per annum, and for the* JOURNAL *without* REPORTS *1l. 14s. 8d., which includes all Supplements, Title, Index, &c. &c. Post Office Orders crossed "& Co.," should be made payable to* WILLIAM DRAPER, *59, Carey-street, Lincoln's-inn, at the* BRANCH MONEY-ORDER OFFICE, CHANCERY-LANE, W.C.

THE SOLICITORS' JOURNAL.

LONDON, OCTOBER 15, 1859.

CURRENT TOPICS.

Social science topics have been quite the order of the day to the literal exclusion of everything else of a professional character. Nevertheless we have passed a week not altogether barren of interest. The lamentable difference between the master-builders and the workmen still wends on its dreary way, and apparently there is no solution of the great difficulty. Already we hear that there are not a few of our statesmen who contemplate trying their hand at some kind of legislation on this knotty subject, though what shape their proposals may assume it is difficult to imagine. The metropolitan members seem to be almost unanimous in favour of the men, and the Government seems extremely averse to an interference in the question. We fear that a vast amount of extreme privation and distress will have to be endured, before the opposing parties will conclude a satisfactory peace.

Death has been busy during the week, and has taken from us men whom all have delighted to honour, who will be sadly missed in the several spheres they were wont to occupy. The name of Stephenson! how long has it been almost as a household word. He is gone, but he wants no monument or epitaph. As of the great architect, so it may be said of the great engineer, "For his monument look around." Leeds has been deprived of two of her best and most useful men. The pen had scarcely recorded the departure of Henry Hall, ere the hand of the grim monster had snatched away one of his colleagues; and our obituary also records the decease of Sir George Goodman. Both were magistrates of the borough, and both have left behind them a name which will not be ephemeral.

Thursday was a great day for Middlesex sessional business, and a formidable array of magistrates were in their place at Westminster. Bills, salaries, &c., to the amount of £10,377 6s. 2d. were passed and paid, and assessments for the quarter duly ordered. On the motion of Sir A. Spearman, seconded by Mr. Serjeant Payne, the sum of £300 per annum out of the county rate was unanimously voted as an addition to the salary (£1,200) of the Assistant-Judge, which is paid out of the Consolidated Fund, under the provisions of the 22 & 23 Vict. c. 4. So this agitated question is at rest. Various petitions concerning tolls were taken into consideration, and after appointing the prison committees, the Court adjourned.

The payment of the dividends commenced on Thursday, and the amount of money thus brought into circulation will seriously add to the difficulty of investing capital. In the city this morning (Friday), the abundance of money was almost without a parallel, and yet few persons seemed disposed to speculate in any securities but the funds, and a few of the leading railways. In fact, so extremely suspicious is the whole country as to the ultimate issue of continental affairs, that there is literally next to no demand for foreign stocks. The discount houses are full of money, and the demands are very light. Under these circumstances the Indian loan and all the English funds are very firm, and a considerable advance has taken place.

The Sheriffs' Court seems destined to become a model for new principles and rigid discipline. On Thursday a case came on for hearing, in which a clerk to a solicitor appeared, who said, "he expected his counsel every moment." Defendant wished the case to go on, and the clerk expressed his willingness to conduct it. The judge, however, refused to hear him, saying, "he had laid down a rule not to hear an attorney's clerk, and he would not break through it." The hearing of the case was ultimately adjourned upon payment of costs. The matter is of importance to solicitors who have the conduct of business in this court.

Another hearing of the case against Mr. David Hughes, the solicitor who absconded to Australia, has taken place. Further charges were made against him, and some of the previous cases were completed. He was again remanded.

Contrary to all expectation, Mr. Buller, of the firm of Smart & Buller, of Lincoln's-inn-fields, has surrendered to his bankruptcy, and has given up nearly all the money he had in his possession when he left. The case is adjourned for two months.

The Gloucester Election Commission seems likely to trespass on the heels of Michaelmas term. Already it has reached its seventeenth day, and no signs are apparent of any termination. The evidence both in this and also in the Wakefield case, will doubtless occupy the attention of Parliament in the ensuing session. Who can find a remedy? Echo answers, "Who?"

THE NATIONAL ASSOCIATION FOR THE PROMOTION OF SOCIAL SCIENCE.

The National Association for the Promotion of Social Science has held its annual meeting at Bradford, under most auspicious circumstances. The attendance was not only numerous, but amongst those who were present there were not a few of the noble of the land—noble not only by birth, but by those benevolent traits which have earned for them a right to be called the benefactors of their race. To say that Bradford was full would convey but a poor idea of the actual fact, for although but a minority of the members of the Association had reached the town by Monday evening, the hotels were so full as to render accommodation for the multitude of visitors a matter of some difficulty. The venerable Lord Brougham arrived about midday on Monday. His Lordship appeared in excellent health. The series of meetings were preceded by a public service in the parish church, and a sermon preached by the Lord Bishop of Ripon. In the evening the general meeting was held, under the presidency of the Earl of Shaftesbury, who, in an inaugural address, which took one hour and a half in delivery, referred to the former proceedings of the Association, explained its practical character, and warmly and eloquently treated of the various topics which were to be discussed during the meeting, expressing his firm opinion that such gatherings of men of almost all professions, for the purpose of discussing and advocating plans and systems for the amelioration of the condition of the human race, must prove, if well conducted, a lasting benefit. We regret that our limited space will not allow us to follow his Lordship through the various topics on which he so eloquently dilated. We cannot, however, refrain from quoting a portion of his opening

and closing remarks. After noticing the eminent share which women had taken in the business of the Association, his Lordship said:—

The business of this society is essentially their province, in which may be exercised all their moral powers and all their intellectual faculties. It will give them their full share in the vast operations that the world is yet to see; and while the multiplication of Great Easterns, of Atlantic Telegraphs, and Lord Rosse's telescopes (departments of intellect arrogated to themselves by the male sex, and inventions, in fact, to give greater ease to the already easy of mankind),—while these add, day by day, to the wonder and activity of the inhabitants of every clime, woman will interpose to save the millions from neglect, and will labour to show that "the mint, the anise, and the cummin," are as much the care of a thoughtful Providence as the mightiest of the cedars of Lebanon. Let me not be supposed to decry archæology, science, geology, or anything that exercises and enriches the understanding,—anything that gives the intellectual an ascendency over the sensual part of man; I admit their value, —nay, their necessity. It is desirable—it is more—it is indispensable to have something to employ all tastes, all mental qualifications, each one according to its bent and genius. But on an anniversary such as this, we are called to consider the greatest amount of interest and improvements for the greatest number; but the pursuits to which I have alluded, cannot undoubtedly touch the masses so deeply as those which affect their daily life—they are far more the business of leisure and education; while ours are only the preliminaries to an enlarged state of things, when such studies may be more generally adopted, because more easily pursued. Let us ourselves see, and teach the people to see, that their social, but removable discomforts fret and enfeeble them, and render them unfit for higher thoughts. Nor are the wealthier and more refined classes, when duly informed of these matters, without moral and material interest in them. They will relish an old tower, an ichthyosaurus, or a treatise on electricity, much more when they find reformation on the increase, disease on the decrease, and a better comprehension and practice by all classes of the principles and purposes of social life. . . . . .

But while we institute remedies and devise good, we may (such is human nature) introduce new evils. Everything has a tendency to run into abuse; and a main object of this association is to watch such excrescences; nip them in the bud; or at least, give warning. Let us suppose that we fail of our contemplated ends; our very failure, like the failures of alchymy, will bring a contribution of facts to true science, we shall, at least, have deserved the praise of Terentius Varro, that we "did not despair of the republic." Let us suppose that we but partially succeed in our day. Well, then, receive the measure of success with faith and joy, for who can tell what blessings may await those who, in another generation, shall enter into our labours? Let us suppose that our success is complete. Then we must remember that to use the harvest aright is no less a duty and a work, than it was to obtain it. The appeal is to every one;—the rich and the poor; the scientific and the ignorant; the occupied and the leisurely; the great and the small; all have their share. Oftentimes, the smallest in the eye of man is the greatest in the eye of a higher power. We may differ in phases of thought, in modes of action, in expressions of feeling, in the stamp and colour of our opinions; but while the differences will appear on the surface, concord may lie beneath; and may we not strive that all of every degree, though in various sort and manner, be really and effectively combined for the one grand final consummation, "Glory to God in the highest; on earth, peace; good will towards men?"

On Tuesday, the President of the Council, the venerable Lord Brougham, delivered his annual address, which we recommend to the careful consideration of our readers. The variety of topics on which his Lordship treated were extraordinary, and those who were present will not soon forget the remarkable energy and pathos with which some parts of his address were delivered. To see the inner workings of the soul as he spoke of the philanthropy of Miss Nightingale, and of the stupendous giant of evil, intemperance, was worth a journey to Bradford, whilst upon other subjects equally involving the weal of man, he had words of advice, of counsel and caution, which found their way to every ear and every heart, and will not be soon forgotten.

On Wednesday the real business of the meeting commenced by an admirable address by Vice-Chancellor Sir William Page Wood, which we print in another part of our columns. The meetings of the various departments followed. It is impossible in the present number to give even an outline of the very valuable papers which were read in the department of Jurisprudence; we shall, however, in subsequent numbers furnish our readers with a full report of these documents, which will amply repay a careful perusal. The first by Mr. Thomas Chambers, Common Sergeant of London, follows the admirable address of the noble President of the department. Thus, the Association has most auspiciously passed another anniversary of its history, and it is not too much to say that the highest anticipations of its founders have been realised, and that henceforth its onward course is certain. We rejoice that so many of the profession were present to aid the meeting with their talent and their valuable papers. There are many subjects of vital importance to the well-being and honour of both branches of the profession, which may well be discussed at these and similar meetings, and we think that it is impossible to ventilate any subject involving difference of opinion in theory or practice without great benefits resulting therefrom. To prepare a paper may be attended with labour, but such a task cannot fail to be of great utility to the author, whilst to give to others the benefit of the opinions thus expressed is to be a kind of philanthropist to the body to which he belongs, for which he is entitled to, and has the thanks of, the thinking part of his brethren. It is on this account that we always hail the approach of the meetings of the Metropolitan and Provincial Law Association, which, for this year, are to be held in the metropolis in the course of the present month. We look forward to these meetings with much interest, and cordially recommend our readers to be present. We shall hail the union of the profession in these annual gatherings as an omen of great good, for by such mediums of discussing important subjects, combined with a higher standard of legal education, and a determined union of effort for the prosperity of the entire body, a high tone of practice must result, malpractices will be less frequent, and the common aim and end of the profession will be recognised by society at large to be a powerful principle exerting itself to administer the necessary functions of the law in a just and honourable spirit, and so to purify the code itself, that these laws may become a pattern of unity and completeness which the whole civilised world will study to imitate.

LAWYERS AS MORALISTS.

Highly instructive are the experiences of a life spent with credit in the discharge of grave and responsible functions. Sir John Coleridge has been giving his to the world, in a manner as distinguished by modesty as his language is by purity and clearness of style. His reflections are conveyed without dogmatism, yet with such judgment in selection as fully coincides with his well-earned reputation. This has been no common lot. To have become eminent early in life, to have had that eminence recognised and consummated by elevation to the Bench at an age when most men have still their position to secure, to have justified that elevation by many proofs of a judicial mind, by unvarying courtesy, by assiduity and indulgent mercy, finally, after many years of public service, to retire from the judgment-seat with the praises and regrets of all good men, is a career which it is laudable to envy. Qualities such as his are so rare that we trust this eminent judge has not yielded too hastily to his own estimate of failing power. No love of ease prompted him or his relative, the estimable and sagacious judge, Sir John Patteson, to retire. Both have given proofs almost daily of their desire to devote their still vigorous minds to the public service. Long may they both be spared for the purpose, our selfishness and our gratitude alike bid us pray.

These remarks have been drawn from us by the perusal of Sir John Coleridge's lecture at Exeter, which, we trust, gave pleasure to many of our readers, in last week's impression. It reflects the genius and disposition of the man at every turn. Thus his careful note-taking at starting in his legal career show the exactitude and earnestness which secured early success. The evident pleasure it affords him to be able in his remarks to characterise more than one of those whom he describes as "God-fearing," gives a glimpse of that real piety which he is known to possess. It is the expression of a man desiring to avoid cant, while he wishes to show in answer to the jeers of the infidel, that religion may be the delight of the wise as well as the comfort of the weak. Of his judicial fairness, his remarks upon the Chartists are an excellent example. Himself of strongly Conservative views, and probably strengthened in those views by the very habits of thought his position of assertor of the law induced, he yet could, at a time when these men were almost universally believed to be incendiaries and robbers in their very nature, judge them to be "honest and misled enthusiasts." As a generous adversary, he bears testimony to their reading and ability, cultivated in hours stolen from the few allotted to sleep, after the many devoted daily to labour. His sketches of William Adam, Wilde, and Follett, are instinct with life. Touching too is his allusion to the mournful recollections, crowding as spectres in flitting succession across the memory's view, called up by the perusal of his note-books. There is, perhaps, in his portrait of Wilde more criticism than some will approve of. We cannot quite agree with him, though of course we write with bias, in assuming a want of breadth in Wilde, and then attributing it to his having too long practised as an attorney. In the days when that most eminent and pains-taking advocate achieved reputation, an attention to forms and subtleties pervaded the whole English law and its procedure. These sharpened superficial qualities, but, by familiarity with the wrong they caused, deadened the sense of justice. A lively imagination or a playful fancy were then dangerous possessions, certainly; however, there seems to be something in the training of an attorney which secures success to a career at the Bar. At least three of the leading Queen's Counsel of the present day were trained for, and one practised as, an attorney. Several who are eminent in the next rank did the same; and Sir John, as one of the ablest editors of Blackstone, we are sure, forgets not his suggestion, or rather approval of some education in an attorney's office, of the student for the Bar. We receive with pleasure the rational praise given by the learned judge to trial by jury. It is peculiarly valuable at this time, when every effort is being made to alter it on the Scotch model. Our brethren across the Tweed have had it as an institution in civil cases not very many years. It was rather imposed upon, than sought by them, and has never been popular, as shown by its being dispensed with, in the many cases where the Scotch law gives the option so to do. Twice has the mode of taking the verdict been altered; first from the unanimous verdict to one by the majority, and within this last year the time after which, the verdict of the majority shall be taken has been shortened. We trust that our Scotch Chancellor will find us some system better worthy of imitation than this changeable offshoot from our own.

Let us now take leave of Sir John Coleridge, tendering to him our regard in the words of the old dame, to which he has referred, and of which he might be proud as an epitaph, "We liked that judge, he was full of consideration."

Let us now turn to another lawyer and moralist. Sir Richard Bethell has been also detailing some of the experiences of his career before the Christian Young Men's Institute at Wolverhampton. His theme was praise of the name chosen for, and of the special dedication of the Institute to Christianity. There is this contrast between the ex-judge and the Attorney-General. The former has always been noted for unobtrusive piety and attachment to pursuits almost ecclesiastical, yet we have him in his public teaching rather displaying the judgment and motives of the man of the world, and this more especially in a prior lecture, in which he described Christianity as essentially democratic, or the religion of the people. On the other hand, Sir Richard Bethell, who has all his life devoted himself to the deeds and motives of this world, comes out strongly as the advocate for Christianity and religious training. Shall we take it that his lecture gives a true insight into his character? If so, then we have him advocating with a lawyer's ingenuity, and an orator's power, the temporal advantages which attach to those who put in practice the injunctions of Christianity. If so, then we have him, with modesty, attributing his success not to his great talents, but to the simple golden rule of "do unto others as you would they should do unto you." The learned gentleman has won a pre-eminence over able rivals. He has, late in life, done that most difficult thing, taken a most prominent place in the House of Commons, jealous of lawyers, as an orator, statesman, and lawgiver, and is now universally pointed to as one who *must* be Lord Chancellor. All this has been supposed to be the harvest reaped by the exertion of prodigious application and consummate ability. Yet it seems, with all his power, this eminent man has failed where inferior men are easily successful. "The great motive to human action is affection—not looking for recompense in return, but pure simple love, and mutual benevolence." These are his words. His success in life he attributes to "the feeling in one's favour produced, whenever I have been fortunate enough to have it in my power, to confer any advantage or any kindness on others."

These, no doubt, because he says so, have been the moral guides in his worldly conduct, of the learned Attorney-General. But the singular fact we would point out, and we appeal to all who know him in his public career, is, that with all his attainments, and actuated by these admirable precepts, he has won all things, but popularity. Is it difficult to discover the reason? Why has not honey more often taken the place of the gall which not seldom flows from his lips? Why has not charity dictated more tenderness for the feelings of others? All are not endowed with his talents, why then has he so often *appeared* to take pleasure in the discomfiture and ridicule of one of inferior ability? Perhaps he has been misunderstood, perhaps suffered from the malice of detraction. Possibly, though a speaker almost unrivalled, with a command of words which in his lightest efforts exert impulsive admiration, he may, like many in fabled story, have received his great endowments with this one drawback, that when he seeks to be charitable, to speak the words of kindness, to soothe irritation, and avoid offence, his tongue shall refuse his bidding, the wrong words rise to his lips, his efforts be unsuccessful, and his motives misconstrued. If this be really so, we may look for some future lecture from him to illustrate the mental torture of a man, a martyr, in spite of the best intentions, to misrepresentation. If, however, he has only just become more strongly impressed in favour of the truths of his childhood, then may we look for such moderation hereafter in the career of the future Lord Chancellor as may yet earn for him the reputation which he covets for kindness, condescension, and charity. Then, indeed, will he be truly great.

The New Malt Act.—On Saturday, the 1st inst., the new Malt Act took effect. In respect of all malt *began* to be made on and after that day, the duty of excise is to be paid in twelve weeks in lieu of eighteen weeks as heretofore; and on payment a discount of four per cent. per annum for the six weeks now reduced in the credit is to be allowed in respect of all malt made on or after the 1st October and before the 1st April next on amount paid within the time appointed.

The Courts, Appointments, Vacancies, &c.

COURT OF BANKRUPTCY.

(Before Mr. Commissioner Evans.)

In re John Edward Buller.—Oct. 11.

This was an examination meeting in the case of Mr. Buller, solicitor of Lincoln's-inn-fields, who lately left his place of business, owing debts to the amount of about £100,000.

Mr. *Plews*, of the firm of Lawrance, Plews, & Boyer, solicitors for the assignees, received a number of proofs against the bankrupt's estate.

Since the last meeting, the bankrupt has, contrary to all expectation, placed himself in the hands of his creditors. To-day he surrendered and signed the usual document, promising to make to the Court a full and true disclosure of his estate and effects. He was not idle to-day, for he was frequently called upon by Mr. Plews for information as to the accuracy of proofs, of which a great many were taken in the course of the meeting.

Mr. *Plews* said, the bankrupt had given up £400 or £500, which was nearly all that he had taken away with him. He had given the fullest information to-day. The assets coming to the estate he estimated at from £50,000 to £60,000. Many of the alleged debts the bankrupt said he was in a position to disprove, and he alleged further that he should be able to pay his creditors 20s. in the pound. Under these circumstances he did not propose to examine the bankrupt to-day, but to adjourn the meeting for two months. The bankrupt had a wife and children, and he asked for an allowance of £5 a week from this time.

The Commissioner.—He has given up £500?

Mr. *Plews*.—Yes; and £500 more has been realised from the furniture.

The Commissioner.—The assignees do not object?

Mr. *Plews*.—No.

The Commissioner then made an order for the allowance asked for.

(Before Mr. Commissioner Evans.)—*Oct.* 13.

In re Ernest Jones, the Chartist.

An adjudication of bankruptcy was made against Ernest Charles Jones, described as a printer and publisher of the *Cabinet* newspaper, of Exeter-street, Strand, and of Cambridge-place, Victoria-road, Kensington. The petitioning creditor is Mr. Fesenmeyer, solicitor. The bankrupt surrendered, and obtained protection. The petition was balloted to Mr. Commissioner Evans, and Mr. Johnson is the official assignee.

INSOLVENT DEBTORS COURT.

In re William Sykes.

(Before Mr. Commissioner Dowse).—*Oct.* 5.

In this case a schedule had been filed on an application made to the Deputy Commissioner, Mr. Dowse, a few days since, involving a novel point. The insolvent was arrested in June for contempt of the Divorce Court. He was taken to Lancaster Castle, and detained at the instance of her Majesty. The question was whether he could petition, and it appeared that his wife had instituted a suit against him in the Divorce Court, and a judicial separation had been decreed. He was now in contempt for the costs incurred by his wife, amounting to no less than £132. It was the first commitment under which a person had applied to the Court; and Mr. Lewis (Lewis and Lewis) submitted that as the only contempt was the non-payment of costs, the Court could grant permission to file a petition. The Deputy Commissioner assented, and the proceedings were accordingly filed.

SHERIFFS' COURT.—*Oct.* 12.

This Court sat to-day for the first time since the recess, and we observed that several important alterations have been made in the arrangements for the transaction of business. A raised desk has been substituted for the chief clerk's table, and the witness boxes are placed nearer the judge, and in a much more convenient position for the purpose of examination of the witnesses. Several of the profession appeared in full costume, showing that the robing movement has excited considerable attention. The judge wore a judge's wig, the chief bailiff a wig and gown, and the assistant bailiffs were also robed. In the course of the morning the judge expressed his satisfaction that his suggestions had been complied with.

Refusal to hear an Attorney's Clerk.—On Thursday, the case of the *South Western Railway Company* v. *Dillnott* came on for hearing. This was an action to recover the carriage of several bags of artificial manure, and demurrage of certain bags of the same left on the plaintiffs' premises. When the case was called on, an attorney's clerk said he expected his counsel every moment. Mr. Charnock said, that defendant could not consent to wait. He was quite ready to go on. The attorney's clerk said he would go on with his Honour's permission. His Honour said he had laid down a rule not to hear an attorney's clerk, and he could not now break through it. He would adjourn the case. Mr. Charnock applied for costs. The case was then adjourned upon payment of costs. Subsequently the counsel arrived, but too late, the parties having retired.

COUNTY COURT, CLERKENWELL.

(Before Mr. Sergeant Jones.)

The Masons' Lock-out—Important Decision.

In this case, a working-mason, named Stephens, sought to recover £2, being one week's notice in lieu of wages, from Mr. Tombs, the plaintiff being locked out on the 8th of August. He had left another place for the defendant's situation. On the 6th of August he was told that the works would not be opened on Monday, and though he attended on the latter day no employment was offered him, and his claim of a week's notice being refused he brought this action for the amount. On the part of the defendant it was stated that it was not customary to give a week's notice, and that the plaintiff was only in the position of 10,000, who were locked out at the same time. The judge said, he had no doubt that plaintiff was entitled to his claim, since he was not only kept about the works, but the defendant had wages in hand due to him (plaintiff) till seven days after the lock-out. The plaintiff said, he had removed his family and furniture from Pimlico to Holloway when he commenced to work for defendant. Judgment was then given for the plaintiff for the full amount claimed, with costs.

GUILDHALL.—*Oct.* 13.

The adjourned examination of Mr. David Hughes took place this day, and after a lengthened hearing, he was again remanded. The evidence taken on the last occasion having been read over,

Mr. *Poland* said, I propose now, sir, to complete the charge against the bankrupt of obtaining £1,000 of Mr. George Fagg, under false pretences, by the production of the deed of assignment, of which evidence was given on the last occasion.

Mr. Sachell was then called to produce the deed in question, which purported to be an assignment by the bankrupt to Mr. William Anderson, of the premises known as No. 13, Highbury-grove Villas.

Mr. Haynes, managing clerk to the bankrupt, said, I am not aware that there was any business in the office in January, 1858, of the profitable description offered in the letter of the 15th of January. There is no entry in the out-door day-book of any business of that kind being transacted, or of any advance of £5,000 being made to any client about that date. An offer of a profitable business might have been made to the bankrupt without my knowledge.

Cross-examined. Such a matter would be confined to the bankrupt alone, unless something resulted from it, in which case it would be entered in the book, but not without.

Mr. *Poland*.—That evidence completes that case, sir.

Mr. *Morgan* said, there is no case of false pretences made out; for the most that can be made of it is, that the bankrupt made a false promise, and instead of depositing securities to double the value of the £5,000 required to be advanced, he deposited a less value security, and only received £1,000.

Mr. *Poland*.—I will now go into a new case, in which the charge will be that of stealing £1,000 intrusted to him by Mr. George Fagg, under these circumstances. In September, 1852, the bankrupt devised to his brother-in-law, a Mr. Lewis, six houses, situated Nos. 5, 6, 7, 8, 9, & 10, Shannon-terrace, Dalston, and about the same date the property was mortgaged by Lewis to Mr. Fagg for £1,000, and the interest regularly received by him up to April, 1858, when the bankrupt wrote to say the property had been sold by auction to a Mr. Gilbert, and that the purchase was to be completed in the June following, when the £1,000 advanced by Mr. Fagg would be returned to him, or fresh security procured. Mr. Fagg accordingly delivered over the mortgage deeds to facilitate the completion of the purchase, and before leaving town gave directions to the bankrupt to obtain another mortgage, and to hold the £1,000 until a favourable investment offered; but on his return he discovered the bankrupt had absconded to Australia. In this instance the charge will be very simple, as the bankrupt was

clearly the bailee of the money, and he had no right to apply it to any other purpose but to lend it on mortgage for the benefit of his client.

Mr. Tunstall, clerk to Messrs. Hilleary, 3, Fenchurch buildings, solicitors, produced a deed dated September, 1852, reciting the term for which the six houses in Shannon-terrace were leased, and by which the same property was devised to Mr Lewis. He also produced the mortgage deed, which secured to Mr. Fagg a sum of £1,000, with interest upon the same property. He further produced the assignment, dated the 25th of June, 1858, of the same six houses to Robert Gilbert, for a consideration of £1,030.

Mr. George Fagg said: In September, 1852, I gave to the bankrupt a sum of £1,000 to lend out for me on mortgage at 5 per cent. interest, but I was not aware that the amount was advanced to Mr. Lewis, for I never looked at the deeds. Nor do I know upon what property the mortgage was effected. On the 22nd of April, 1858, I received a letter from the bankrupt, informing me the property had been sold by public auction, and asking me to let him have the mortgage deed, to complete the purchase, by the 25th of June. He informed me in that letter that I could have the £1,000 returned to me, or he would, if I desired it, procure me a fresh security. I afterwards returned the deeds to him, and attended to sign them to complete the purchase. I gave him an authority to receive the money from Gilbert. I never received a fraction of this £1,000 paid to the bankrupt by Gilbert, neither have I received any fresh security.

Cross-examined: I wished him to get me a fresh mortgage, so that I should not lose any interest, and he promised to do so, but I did not hold him responsible for the interest in the event of his not getting further security.

Mr. Robert Gilbert said: I purchased the six houses in Shannon-terrace, Dalston, for £1,030. I paid a deposit of 20 per cent. to the auctioneer in April, and the balance of £830 in June upon the completion of the purchase. I paid both amounts in Bank of England notes. I paid the money to the bankrupt.

Further evidence was produced to show the amount of the bankrupt's balance in his bankers' hands when he absconded, the date of his leaving Liverpool, and the facts of his apprehension.

WORSHIP-STREET.

(Before Mr. D'Eyncourt.)—*Oct.* 12.

Mr. John Norris, an elderly gentleman, residing in the Beauvoir-road, Downham-road, Kingsland, was charged with forgery under somewhat peculiar circumstances.

Mr. *Lewis* conducted the prosecution, and Mr. *Humphreys* attended for the defence.

Mr. Mills, a solicitor of Loughton, in Essex, with offices in Brunswick-place, City-road, stated, that an old gentleman named Atkins, the proprietor of considerable property at Hoxton, died in 1857, leaving a will, and appointing the prisoner his sole executor. Witness was employed to obtain probate of the will, and was afterwards professionally employed by the prisoner to wind up the affairs of the estate, administration having been granted to the prisoner on the 24th of February, 1858, as such executor, and the property having to be divided between the children of the deceased. Witness left the management of the legal business connected with this estate to his chief clerk, Mr. Lockyer, but numerous receipts and other documents in consequence came into witness's possession in the course of the winding up, and these instruments he did not feel justified in now producing against the prisoner, as being, in his conviction, a breach of the confidence reposed by a client in his own personal solicitor.

Mr. *Lewis* contended that, notwithstanding the confidential relations so subsisting, the witness was bound to produce these receipts and documents in furtherance of justice, and cited numerous cases from Carrington and Payne's and other reports, in which that position was distinctly recognised.

Mr. *Humphreys* strongly opposed this course, as a breach of all confidence; but Mr. D'Eyncourt decided that the documents must be produced, leaving the objection to be urged before the judge at the trial; and Mr. Mills then, though with manifest reluctance, and under semi-protest, produced all the papers that were wanted.

Mr. Lockyer then deposed to the prisoner delivering to him a number of documents and papers, including numerous receipts for amounts he had paid as sole executor of the deceased Mr. Atkins, that he might be enabled to make out the accounts of the estate, and on his so doing he furnished an account of these payments to Messrs. Baker, solicitors to the residuary legatees, who, to his surprise, objected to many of the items as overcharges, and declined to accept them on this ground. Witness therefore had an interview with the prisoner, to whom he indicated the various amounts alleged to be overcharges, and asked an explanation, and the prisoner replied, "They are all correct; I paid these amounts." Particular mention was also made of a receipt for £20, alleged by the prisoner to be that of the deceased, Mr. Atkins, but which witness told him was rejected as a forgery, and the prisoner gave no explanation of that.

Mr. William Atkins, a watch and clock-maker at Poplar, and eldest son of the deceased, entitled to a sixth of the residuary property under the will, deposed that, as the prisoner had made no statement to him of moneys he had received on behalf of the estate, he communicated with Mr. Mills and his clerk about the property, and Mr. Mills then produced various receipts, among which was the one referred to for £20, purporting to bear his father's signature, and that signature, he had no hesitation in stating, was a forgery.

Mr. Hugh Hawthorn, a surgeon, deposed to attending the deceased up to his death in November, 1857, when his balance of account against the deceased was 11*s.* 3*d.*, which he rendered to the prisoner as executor, received that amount from the prisoner, and gave him a receipt for it. The receipt in question was now shown to the witness, who declared that the amount of £1 added to the original amount of 11*s.* 3*d.* had been added since he had given it to the prisoner.

Mr. Charles Mears, builder, of Pownall-road, Dalston, stated that he had rendered to the prisoner, as executor, an account for work done for the estate since the death of the testator, and that his bill for that work amounted to 9*l.* 15*s.* He deducted the customary 10*s.* for discount, and gave the prisoner a receipt for the sum, but upon now looking at his receipt he found that the £9 had been partially obliterated, and a 10 substituted for the 9.

Mr. Kevan, collector to the Imperial Gas Company, deposed to two alterations in as many receipts he had handed to the prisoner for money he had paid him on behalf of the company, one sum of 4*s.* 8*d.* having been altered to 14*s.* 8*d.*, and another sum of 10*s.* 6*d.* now appearing as 19*s.* 6*d.*

Mr. Briggs, an undertaker of Kingsland, who buried the testator, deposed that the amount of his bill when he handed it to the prisoner for the funeral expenses was 13*l.* 4*s.*, whereas upon now looking at it he found the amount had been altered to 13*l.* 14*s.*

Nathaniel, Robert, and John Atkins, the other three sons of the testator, all likewise swore positively that the signature attached to the receipt produced was not in their father's handwriting, and that, in fact, it did not even resemble the testator's writing.

Mr. *Lewis* said, that was his case, and Mr. *Humphreys* having reserved his client's defence, the prisoner was committed for trial.

The prisoner had only been in the cells a short time when some man made a savage assault upon him with a basin or jug, and cut his head open so badly that a surgeon was obliged to be fetched to dress the wound, and

Mr. D'Eyncourt gave directions that he should then be taken away in a cab, and not detained for the prison van.

Crown Prosecutions.—A blue book was issued on Saturday last, containing the report of the commissioners appointed to inquire into the present state of the law regulating the rates of payment to be allowed to prosecutors, witnesses, or other persons engaged in criminal proceedings; into all allowances made to county constables; and generally into the present mode of remunerating the officers connected with Crown prosecutions. They found great difference in the scales of payment in force in different parts of the country. They consider that no proved necessity exists for an unequal distribution, and therefore arrive at the conclusion that, so far as the claim upon the Treasury, the same scale should be established for all the jurisdictions in the kingdom. An elaborate scale of allowance has been drawn up, and is printed in the blue book. The commissioners express a decided opinion as to the advisability of paying coroners a fixed sum, and abolishing the existing system of fees.

Curious Rent-Charge and Service in Yorkshire.—The following curious custom formerly attached to a Yorkshire manor, at all events, in respect of the freehold lands of one Edward Cooper:—"And also all that free rent of 8*d.* of lawful money of Great Britain, formerly payable by Edward Cooper, for his freehold lands and tenements in Brereton, held of the said manor of South Stainley, otherwise Kirk Stainley, which rent is payable on [illegible] feast-day of the birth of our Lord

Christ yearly, and of the service to be performed on the same day yearly by the said Edward Cooper, his heirs and assigns, of making the fire in the hall of the Manor-house of South Stainley, and the payment of 1*d.* to be paid to him or her that shall make the fire for him, if he, his heirs or assigns, shall fail to perform the same service in his or their proper person or persons, and of the service also to be performed by the said Edward Cooper, his heirs and assigns, to wit, of sitting yearly on the same feast-day at the same hall-table at dinner-time, with a dish of water before him or them, and a stone in it."—*Notes and Queries.*

West Indian Encumbered Estates Commission.—The Legislature of the Virgin Islands has addressed the Crown, praying her Majesty to direct the West Indian Incumbered Estates Acts, 1854 & 1858, to come into operation within that colony, and have passed an ordinance providing for the remuneration of the local commissioner and officers by fees, in the same manner as has been already done in other West Indian colonies. The usual announcement in the *London Gazette* will, doubtless, shortly appear.

The Lord Chancellor at Bedford Races.—The sporting correspondent of a contemporary remarks that the late Bedford race meeting "was honoured by the presence of the Lord Chancellor, who was the guest of Lord Wensleydale, a resident in the neighbourhood. With the addition of Judge Clark, who alone presided, there were three judges in the stand. The Lord Chancellor was 'the observed of all observers;' and his healthy appearance and activity at such an age were the theme of general conversation."

We regret to state that the Attorney-General has recently met with a severe accident. A day or two ago, whilst out shooting at his country seat (Hackwood Park), the hon. and learned gentleman unfortunately received several shots in the leg, four or five of which passed through the calf, and one penetrated into the knee. The hon. and learned gentleman, in consequence of this mischance, is likely to be confined to the house for several days.

The Right Hon. Sir Frederick Pollock and Sir William Fry Channell, two of the Barons of her Majesty's Court of Exchequer at Westminster, have appointed the following gentlemen to be London Commissioners for administering oaths in Common Law in the said court:—

George Cox, Size-lane, Bucklersbury.
Henry Nethersole, 1, New-inn, Strand.
John Pike, Old Burlington-street.
Frederick Augustus Lewis, 7, Trafalgar-place East, Hackney-road.

Notes on Recent Decisions in Chancery.

(By Martin Ware, Esq., *Barrister-at-Law.*)

Legacy—Charge—Mixed Fund.

Greville v. *Browne*, 7 W. R. 673 (House of Lords).

The House of Lords have decided in this case, although against the opinion of Lord Wensleydale, that where a testator gives a legacy without expressly charging it on the real estate, and then gives all the residue of his real and personal property as one blended fund, the legacy becomes by implication charged upon the real estate. There have been numerous authorities on the subject, and their general tendency appears to be in support of the rule laid down by the House of Lords. The reason of the rule is, that the testator has thrown the whole estate into one mass, and that as one part of it, namely, the personal estate, is subject to the legacies, the whole of the mass was intended to be subject to them.

The testator in the present case gave a legacy of £1,000 and other small legacies, and then gave the residue in these terms: "As to all the rest residue and remainder of any property I may die possessed of or entitled to, of what nature soever, whether estates freehold, leases for years, stocks of every kind, also bills, notes, annuities or otherwise, I hereby devise the same to my son in the fullest manner I can." The Lord Chancellor said: "From the time of Lord Macclesfield it has been uniformly held, except by Lord Alvanley, that if there be a general gift of legacies, and then the testator gives all the real and residue of his property real and personal, the legacies are to come out of the mass. The whole is one mass, part of which is represented by legacies, and what is afterwards given is minus what was before given, and therefore subject to the prior gift."

Conflict of Laws—Marriage with Deceased Wife's Sister.

Fenton v. *Livingstone*, 7 W. R. 671 (House of Lords).

Few questions of international law have caused so much difficulty as those arising out of the law of marriage. The reason is, that marriage is a matter which may be looked at from various aspects. In the first place, it is a contract, and therefore questions relating to it are subject to the rule of lex loci contractus. It is also a status, and is, therefore, affected by the law of domicil. And it is, moreover, so mixed up with questions of morality and public policy, that the conclusions to which we should arrive on general principles of international law must always be guarded by the proviso that they are not contrary to any of the laws of the state in which the law is to be administered. For instance, although the marriage of a man with a deceased wife's sister is lawful in some foreign countries, yet, inasmuch as in England there is an express enactment to the contrary, such a marriage is void to all intents and purposes in this country, although it be lawful according to the lex loci contractus. In the same way, in determining the title to real estate, the lex loci contractus is overridden by the lex rei sitæ. It is true, that where the question of validity resolves itself into a question of form, as in the case of runaway marriages celebrated in Scotland, the lex loci contractus is allowed to prevail, but it has never been held to apply to cases where the capacity of the parties to contract matrimony is in dispute.

In the present case (which was an appeal from the Court of Sessions in Scotland), a man domiciled in England, who was possessed of entailed estates in Scotland, married the sister of his deceased wife. The second wife died in 1832, leaving a son, and the question in dispute was his right to succeed to the Scotch entailed estates of his father. The second wife having died before the passing of Lord Lyndhurst's Act, her marriage, though voidable during her life, could not be impeached after her death, and her son was therefore legitimate according to English law. According to the Scotch law, however, the marriage was absolutely void, and the parties liable to a criminal prosecution for contracting an incestuous marriage. Under these circumstances, it was contended on behalf of the son, that the Scotch courts ought, on the principles of international law, to consider him legitimate, and capable of inheriting under the Scotch entail. The Scotch Court, which seems remarkable, took this view of the case, but the House of Lords overruled the decision. The effect of the judgments of the learned Lords is:—first, that although in England the legitimacy of the issue of such a marriage could not be called in question after the death of the parents, yet a foreign Court would not be justified in taking the marriage as a valid one by English law; and secondly, that whether valid or not by English law, the fact of its being void and criminal in Scotland would be a bar to the issue inheriting such a Scotch entail.

Notes on Recent Cases at Common Law.

(By James Stephen, Esq., *Barrister-at-Law, Editor of "Lush's Common Law Practice," &c., &c.*)

Agreement to refer Disputes to Arbitration—17 & 18 Vict. c. 125, s. 11.

Herton v. *Sayer*, 7 W. R., Exch., 735.

In this case the action was for breach of a covenant in a lease, and the defence was, that the jurisdiction of the courts of law had been taken away by the effect of a clause contained in the instrument of demise, providing for the settlement of any questions which should arise thereon by arbitration. This defence was raised by the only plea placed on the record, which was substantially as follows:—It alleged that the parties to the lease agreed thereby, that if at any time during the term any difference should arise thereon, the same should be finally settled and determined by two arbitrators, one chosen by the lessor, the other by the lessee, within two months after such difference should arise. The plea then (after stating certain provisions in the lease in reference to the appointment of these arbitrators, or in case of their disagreement of an umpire), proceeded to state that it was in the lease further agreed, that whatever award or determination the arbitrators or umpire should make concerning the matter referred, the parties thereto respectively agreed with each other to stand to and keep; that such award and determination should moreover be binding and conclusive to all intents and purposes, so as to preclude all fur-

th er difference or doubt as to the matters dealt with thereby; that the submission to arbitration might be made a rule of the Queen's Bench; and, finally, that neither the parties to such submission, nor those claiming under them respectively, should commence any proceedings or seek any remedy at law or in equity, without first submitting to such arbitration, according to the true intent and meaning of the indenture. The plea concluded with averments on the part of the defendant, that the plaintiff's claim, and the defendant's answer and defence thereto, was a matter in difference agreed as above to be referred to arbitration—a course he himself had always been, and still was, ready and willing to adopt, and that he had done all things necessary to entitle him to have the matter in difference so decided, but that the plaintiff instead had commenced the present action.

This plea was founded upon the judgment of Lord Campbell in the case of *Scot* v. *Avery*, in the House of Lords (5 H. of L. Cas. 811); when, in substance, he laid it down that an agreement to refer future disputes to arbitration is binding, and that no action will lie in such a case until after the matter has been adjudicated upon by the tribunal so chosen and appointed by the parties. But according to the opinion of the Court of Exchequer in the present case, that doctrine requires to be qualified, or, at best, is susceptible of being too broadly applied. In its widest sense, and taken without reference to the course of previous decisions, Lord Campbell's dictum would trench upon a rule acted on in all cases for more than a century past; viz, that courts of law cannot be ousted of their proper jurisdiction by any agreement of parties; or in other words, that the agreement of parties to refer any dispute which may arise out of a contract to arbitration does not operate to bar either of the parties from his remedy by action. The proper way to reconcile this general rule with the particular decision arrived at in the case of *Scot* v. *Avery*, is carefully to consider the language used by the parties, and to draw a distinction between language which makes the covenant to refer an *independent* covenant, and consequently void at law, as seeking to oust the jurisdiction of the Courts, and such as merely creates a condition precedent to suing. For example, a covenant from A. B. to C. D. in an executory contract, to pay such sum as E. F. should find due, with a stipulation that C. D. should not claim anything except what E. F. should so find is good; a covenant, such as in the present case from A. B. to C. D. to do a particular act, and that if any dispute should arise with reference thereto, he shall refer such dispute to arbitration, is bad—that is, it affords no valid defence at law if an action be thereafter commenced for breach of the contract in which such agreement was inserted. In the present case, therefore, the Court gave judgment for the plaintiff on the demurrer to the plea; but it may be doubtful whether he will derive any substantial fruits from this victory, as the case appears precisely to fall under the 11th section of the Common Law Procedure Act, 1854, which provides that where an agreement to refer future disputes to arbitration is broken, and an action or other proceedings brought notwithstanding, such proceedings may be stayed by order of the Court on such terms as to costs and otherwise as may seem fit. Moreover, since this statute it has been decided that where such an agreement has been made and violated, an action to recover damages for such violation may be maintained by the party injured; *Livingstone* v. *Ralli* (24 L. J., N. S., Q. B., 269).

RAILWAY LAW—PROPER PARTY TO SUE FOR LOSS OF GOODS.

Mytton v. *The Midland Railway Company*, 7 W.R., Exch., 737.

In this case a somewhat singular point arose on railway law, as affected by the general law of parties to action, and of principal and agent. The defendants were a certain railway company, charged in their capacity of common carriers by the plaintiff with the loss of a portion of his travelling baggage, alleged to have been entrusted to the defendants' care. It appeared, however, that the plaintiff had not taken any ticket either for himself or his goods from the officers of the defendants' company, but had taken from the officers of another line, in connection with that of the defendants', a through ticket, with one entire fare for the whole distance. It was now decided by the Court (the verdict having passed for the plaintiff on a special case, in order to raise the point of law) that the plaintiff had misconceived his remedy, and should have sued the company by whom his ticket was in fact granted, instead of that company on whose line his loss occurred. "For," said the Court, "that was no contract whatever between the plaintiff and the defendants, but one entire contract between the plaintiff and the company from whom he purchased his ticket." This point was, indeed, substantially decided some years ago in the case of *Muschamp* v. *Lancaster, &c., Railway Company* (8 Mee. & W. 421), from which it appears, that where railway carriers undertake to convey from a station on their rail to a place on another distinct railway with which it communicates, this is evidence of a contract with *them* for the whole contract, and the other company will not be regarded, as principals or otherwise, as contracting with the original company. It is true that by a special contract the first railway company may restrain their liability as carriers to the limits of their own rail (*Fowles* v. *Great Western Railway Company*, 7 Exch. 699), but this circumstance will not invest the second railway with a liability not by law attaching to them.

The Law of Attorney or Solicitor and Client.

(By J. NAPIER HIGGINS, Esq., *Barrister-at-Law*.)

XII.

PROCEEDINGS BEFORE JUDICIAL TRIBUNALS.

(*Continued from page* 903.)

Attorney taking security for costs.—As a general rule, a solicitor to whom a client has given securities cannot rely upon them, as being conclusive against the client in proving the execution of the debt, in the same way as any person other than an attorney might; but may be sometimes compelled, irrespective of the securities, to prove his debt; *Lawless* v. *Mansfield* (1 Dru. & War. 557); *Morgan* v. *Lewes* (5 Price, 42; 4 Dow.); *Hiles* v. *Moore* (17 L. J., Ch., 384). In the first-mentioned case, Sir Edward Sugden, L.C., of Ireland, carried the doctrine so far, as that in no case can a solicitor rely upon such securities, and that it is always in the power of a client to make the solicitor prove his debt, independently of the securities; and for this purpose, his Lordship held that it was not requisite for the client to allege in his bill, or prove in evidence, any particular mistake or unfairness in the solicitor's account—as it would be against any other defendant but a solicitor—but that it was sufficient generally to allege that the account as settled was erroneous. He considered that the mere circumstances of the account, and the securities being between a solicitor and his client, was sufficient to take the case out of the general rule. "I take," said his Lordship, "that these two propositions are perfectly clear in law: first, that where the relation of attorney and client subsists, in questions of accounts between the parties, the common rule does not prevail; though the party only alleges generally that the accounts are erroneous, the Court will make a decree opening the accounts, if sufficient cause is shown; and secondly, that a solicitor to whom his client has given bonds or bills, cannot produce those securities, and say, as a third person might, they prove the existence of this debt; but from the relationship in which the parties stood, and the alarm of this Court, lest by means of such relationship any undue influence should have been exerted, the solicitor is bound, irrespective of his securities, to prove the debt for which those securities were given. This latter position has been disputed, but it is now perfectly settled." This decision is mainly based upon the authority of the much-argued and often-reported case of *Lewes* v. *Morgan* (3 Anstr. 769; 5 Price, 53; 3 Y. & J. 230); *nom* *Lewes* v. *Morgan* (3 Cl. & Fin. 159; 8 Bli. 811; 4 Dow. 45). Amongst the numerous judgments delivered at various stages of the latter suit, there are no doubt some observations and dicta of learned judges to be found, which appear to support the rules thus enunciated by Sir Edward Sugden; but the decision in *Lawless* v. *Mansfield* is very much opposed to a prior decision of Lord Cottenham in *Waters* v. *Taylor* (2 Myl. & Cr. 526), and is expressly dissented from by Sir W. P. Wood, V.C. in *Blagrave* v. *Routh* (2 Kay & J. 517); and Lord Justice Turner in judgment affirming the latter decision also takes occasion to observe (5 W. R. 96) that he had always understood the rule to be, that if you want to discharge or falsify an account, you must show errors or irregularities. "Whatever," said his Lordship, "might be the true effect of the expressions used in *Lawless* v. *Mansfield*, they could not have meant to apply to mortgages for bills of costs. Such a doctrine would amount to this, that it was incumbent on a solicitor to uphold every item in the bill." "The plaintiff," says Wood, V.C., in the same case, "must show one of two things: either fraudulent dealing on the part of the solicitor in the concoction and obtaining of the security, or else error, amounting to evidence of fraud, in the charges which are made the foundation of the security. One or other of these two things the plaintiff must

allege and prove." To the same effect was Lord Cottenham's decision in *Waters* v. *Taylor*, where his Lordship laid down the rule distinctly that, in such a case, there must be allegation and proof of such dealings between the solicitor and the client or of such errors and improper charges as amounted to *evidence of fraud*. It may, therefore, now be taken as settled law, notwithstanding Sir E. Sugden's decision in *Lawless* v. *Mansfield*, and the dicta scattered throughout the numerous judgments in *Morgan* v. *Lewes*, that a solicitor may take a promissory note, bond, mortgage, or any other security from his client, for costs actually incurred, where the bill of costs has been delivered, and the account between the solicitor and his client settled; and that such security cannot be impeached, and such account cannot be opened by the client, except upon the ground of fraud or error, specifically alleged, and before a decree can be obtained to set aside the security or open the account, proved. In other words, such a security cannot be impeached merely on the ground, that it was given by a client to his solicitor; nor will the "jealousy," which the Court used to entertain of such a transaction, induce it to show any particular favour to a suit instituted for the purpose of setting it aside. The practice of courts of equity, founded upon such "jealousy," has been entirely altered by Lord Cottenham's decision in *Waters* v. *Taylor*, and also in *Horlock* v. *Smith* (2 Myl. & Cr. 510), where all the authorities on the subject are very fully reviewed by his Lordship; and on this same subject we may here adduce the observations of another learned judge, in *Blagrave* v. *Routh*. In delivering judgment in that case, Turner, L.J., observes, "it was unnecessary to say that this Court watched with jealousy all transactions between solicitor and client, or that such jealousy was not relaxed after a security had been given, but he was not prepared to hold that, where such jealousy had been exercised, and the transaction had been found to be fair, the Court would decline to uphold the transaction. Indeed, that point was decided in *Jones* v. *Roberts*. Each case must, therefore, depend upon its own circumstances. Thus, where the bills of costs had been delivered by the solicitor, and there was a settled account between him and his client, the Court refused to treat as a nullity a mortgage security thereupon obtained by the solicitor, and would not grant an injunction to stay an action upon the client's covenant to pay, which the solicitor brought against his client; *Jones* v. *Roberts* (9 Beav. 419).

Nor is the mere circumstance that, at the time when the security was given by the client, the solicitor was then acting as solicitor for him in a suit then pending, sufficient to open the transaction; *Blagrave* v. *Routh*; *Waters* v. *Taylor* (sup.); *Cooke* v. *Setree* (1 V. & B. 126); *Plenderleath* v. *Fraser* (3 V. & B. 174); *Greiton* v. *Leyburne* (T. & R. 407); unless it appear that the security was obtained by the solicitor through pressure. In *Howell* v. *Edmonds* (4 Russ. 67), Sir J. Leach appeared to consider that pressure upon the client might be always inferred, from the mere fact of the pendency of his suit; but in that case, actual pressure by the threat of an arrest was proved; and his Honour's dictum may therefore be taken as extra-judicial. It is, moreover, opposed to the decisions in *Waters* v. *Taylor*; *Blagrave* v. *Routh*; and several other authorities. On this point, Lord Cottenham, in the first-mentioned case, says, "No doubt, the settlement or payment of a solicitor's bills pending a suit, and whilst the relation continues, affords ground upon which the account will be much more easily opened, and the bills referred to taxation, than in other cases; but if these circumstances alone were, in all cases, to be held sufficient ground for a taxation, no solicitor who continues to act for a client would be secure of any set lement during the life of his client."

It is now a well-established rule, however, that a solicitor cannot take a mortgage or any other security from his client, as a security for costs to be afterwards incurred; *Jones* v. *Tripp* (Jac. 322); *Booth* v. *Cresswicke* (8 Jur. 322); *Newman* v. *Payne* (4 Bro. P. C. 350); *Ex parte Laing* (2 Mont. & Ayr. 381); *Jones* v. *Hunter* (5 Dowl. Pr. 462). Though it is not easy to understand the object of this rule, considering that a solicitor's bill may be taxed, notwithstanding securities held by the solicitor in respect of it; *Newman* v. *Payne* (4 B. C. C. 350); and the securities can always be impeached upon proper grounds being shown, as we have seen above, Lord Eldon's decision in *Jones* v. *Tripp* has received the sanction of too many judges to be questioned now. "The Court would not permit any attorney to take from his client a mortgage for costs to be incurred," was Lord Eldon's laconic expression of the rule, which has since his Lordship's decision in *Jones* v. *Tripp* been uniformly acted on.

In *Williams* v. *Piggott* (Jac. 598), where solicitors, being owed by a client a considerable sum for costs, took a mortgage for past and future expenses, not exceeding £500, Sir J. Leach had some difficulty in applying the rule, but on the cause coming on for further directions before his successor, Lord Gifford, his Lordship refused to allow the mortgage to stand as a security for subsequent costs. But it was decreed to stand good for the amount of costs as should be found to have been due at the date of the mortgage. *Holdsworth* v. *Wakefield* (1 Dowl.), is a decision of a common law court to the same effect. An attorney who has received a promissory note on account of costs, may bring an action on the note, although he has not delivered a signed bill; and it is no objection that the note includes future costs; *Jeffreys* v. *Evans* (3 D. & L. 53; 14 M. & W. 210).

Where, however, an attorney took from his client a bill of sale as security for costs already incurred, but in respect of which he had made no demand for payment, and had not even delivered a bill, and at the time when the security was given the client was in insolvent circumstances, and soon afterwards became bankrupt, the security was held to be invalid as against the assignees; *Ex parte Maude* (30 L. T. 123); and so an equitable mortgage does not cover bills of costs not delivered at or before the time of the deposit; *Ex parte Laing* (2 Mont. & Ayr. 381); *Ex parte Wake* (3 Id. 329).

Yet, where there is a legal security, the mere fact that the security was taken before the bills of costs were delivered, is not sufficient to vitiate the security. Thus in *Blagrave* v. *Routh* (supra), the mortgage was for a sum therein expressed to be due, but which was in fact the estimated amount of past costs in a suit, executed by a client in favour of his then solicitor, and yet was supported, as we have seen above. An agreement by a solicitor to take a gross sum from his client in lieu of costs is not void, though regarded by the Court with jealousy; *Re Whitcombe* (8 Beav. 140); *Stedman* v. *Collett* (18 Jur. 457).

Whether a security taken by a solicitor for future disbursement, stands in the same predicament with a security for future costs is not very clear upon the authorities. But in *Parsons* v. *Spooner* (17 L. J., Ch. 155) Wigram, V. C., when addressing himself to this question, observes, that it had been argued that the contract in question was illegal, on the ground that it was a contract by a solicitor with his client for security for future costs, and continues thus.—"I shall assume this to be illegal within the rule of the Court, both as to professional costs and costs out of pocket. This question then arises, if the client stipulates with a solicitor that he should not make a demand upon him personally, and agrees with him that where funds are in hand he shall be paid out of those funds such claims as he, the trustee, has a right to make against those funds, if such a contract were made, it appears to me not impossible to distinguish it from the general rule relied upon in the argument;" and in *Pitcher* v. *Rigby* (9 Price, 79) it was held that an attorney may take a mortgage from his client for sums advanced, *or to be advanced*, and that such mortgage was good pro tanto, although it included future costs, the attorney being prepared—as he must have been even in his character of mortgagee—to prove that the moneys were actually advanced. This decision, however, is opposed to a decision of Sir E. Sugden; *Uppington* v. *Bullen* (2 Dru. & War. 184) where his Lordship was of opinion that a solicitor could not take a security to cover future advances of money to his client, even though such advances were made for the purposes of the client's cause; and that there was no distinction in this respect between a security for future advances and for future costs. In this case, also, the same eminent judge expressed his doubt whether, where a security is given for costs generally, it can be sustained to the extent of such costs as were incurred at the time of the execution of the deed, as to which see supra. A security obtained by an attorney from his client who is keeping out of the way of his creditor, with the knowledge or even by the advice of the attorney, is not void in favour of a third person; nor is the attorney, under such circumstances, under any obligation to produce his client for the purpose of having him served with process; *Shaw* v. *Neale* (6 H. of L. Cas. 581; s.c. 6 W. R. 635.) But where during the imprisonment of a person, he employed an attorney to obtain an application for his discharge by the Insolvent Court, and the attorney refused to proceed until he signed a promissory note, which he did under protest, and after the discharge of the prisoner, an action was brought upon the note in the name of the clerk of the attorney, the Court refused to grant a rule calling on the attorney to give up the note, upon the ground of its having been obtained by finesse and fraud. The ground of the refusal was, that if the clerk had a bonâ fide claim to the note, the attorney could not give it up, but that if he had not, and the note was

in the possession of the clerk, there was a good defence to the action. *Watts v. Blagney* (1 D. & L. 203). A rule for taxation and *allocatur* do not amount to a rule or order within the meaning of the 1 & 2 Vict. c. 110, s. 18; so as to give the attorney who registers them a charge under the Act upon his client's estate; the rule for taxation being merely an order that the Master shall proceed and ascertain the costs due to the attorney; and the *allocatur* being only the declaration of the Master's judgment with regard to the amount of costs to be paid. Therefore, where an attorney held an assignment of two terms to attend the inheritance of an estate recovered by him for his client, on a rule being made to tax his costs, the Master being directed to decide whether, and if so, upon what terms, the attorney should execute to his client assignments of these terms, and having made his *allocatur*, directing that the attorney should, on payment of what was due, execute such assignments, it was held by the House of Lords, that this did not constitute a charge upon the estate from the date of the *allocatur*, because the Master had no power to direct that the terms should stand as a security for the amount of costs: *Shaw v. Neale*.

Communications, Correspondence, and Extracts.

MARRIED WOMEN'S REVERSIONARY INTERESTS IN PERSONAL ESTATE.

To the Editor of THE SOLICITORS' JOURNAL AND WEEKLY REPORTER.

SIR,—In your number for September 24, p. 871, a "Perpetual Commissioner" inquires whether a county court judge can take a valid acknowledgment of a deed executed by a married woman disposing of her reversionary interest in personal estate under the 20 & 21 Vict. c. 57.

In your number of October 1, p. 889, your correspondent "J. P. S." contends that a county court judge can take such acknowledgment on the ground that the acknowledgment, if not the deed, would be considered to be made under the 3 & 4 Will. 4, c. 74, and not under the 20 & 21 Vict. c. 57.

I submit that this view of the case cannot be sustained. The Act of 3 & 4 Will. 4 relates only to the disposal of interests in land, and enacts that acknowledgments taken thereunder must be made before a superior court judge, &c.

The Act of 19 & 20 Vict. c. 108, enacts that any acknowledgment to be made by any married woman of any deed under the Act 3 & 4 Will. 4, c. 74—that is, of any deed disposing of her interest in land—may be received also by a county court judge.

Then comes the Act of 20 & 21 Vict. c. 57, which for the first time enables a married woman to dispose of her reversionary interest in personal estate, and enacts that any deed to be executed by her for any of the purposes of that Act that is for the purpose of disposing of a reversionary interest in personal estate, shall be executed by her, and be otherwise perfected in the manner in and by the said Act of 3 & 4 Will. 4, c. 74, prescribed for the acknowledgment and perfecting of deeds disposing of interests of married women in land—that is, the acknowledgment shall be taken before a superior court judge, &c.

It appears to me that there is evidently an oversight in the last of the three Acts, and that the framers thereof should have provided that acknowledgments of deeds to be executed thereunder might be taken and perfected in the manner prescribed by either of the previous Acts above referred to.—I am, Sir, your obedient servant, ANOTHER PERPETUAL COMMISSIONER.

Bristol, 10th October, 1859.

[We have received another letter on the same subject from our respected correspondent A. J. D., expressing the same opinion as was embodied in the letters which appeared in our columns last week.—Ed. S. J.]

PROPERTY IN VESSELS.

To the Editor of THE SOLICITORS' JOURNAL AND WEEKLY REPORTER.

SIR,—Your correspondent W. inquires whether the value of vessels belonging to an English port, but out of the kingdom, at the death of the owner, should be included in the amount under which the estate is sworn.

I submit that they should be so included. It has been decided that even foreign funds, for which bonds, debentures, or other instruments constitute the security for the debt, and are existing in this country, are equally liable to probate duty with the British funds or with any other description of personal estate in Great Britain. (See *Attorney-General v. Bouwens and others*, 4 M. & W. 171.) Under the Merchant Shipping Acts of 1854, the register-book alone, and not the certificate of registry which accompanies the ship as evidence of its nationality, is evidence of title. Suppose the only effects of which a testator died possessed were ships, or shares in ships, and the executors desire to dispose of the same. In order to make a title the probate of the will must be produced at the custom-house of the port at which the vessels are registered, and the transmission of the property to the executors must be authenticated by their declarations as prescribed by the 58th section of the Act, such declaration containing, amongst other particulars, a statement describing the manner in which, and the party to whom, such property has been transmitted. In such a case it seems clear that the probate should be stamped according to the value of the only effects which could be disposed of or recovered under it, and which effects could be sold and administered in the absence of the vessels from any British port.—I am, Sir, yours obediently, R. L.

COUNTY COURT JUDGES v. THE PUBLIC.

There cannot be two opinions as to the rapidity with which Mr. Serjeant Dowling gets through the business of the various courts over which he presides as judge, nor as to the ability which generally characterises his decisions. At the same time, very great dissatisfaction and inconvenience are caused by the course which Mr. Serjeant Dowling pursues, in keeping suitors and defendants waiting for hours, before he makes his appearance on the bench. As a judge, enjoying one of the largest salaries paid to such functionaries, and presiding over one of the most important districts, the public have a right to expect that they should be treated very differently to what they are at present. We repent, that we have not one word to say against the learned serjeant's conduct on the bench, but we protest, on behalf of all those who have business in his courts, against the loss of time which he compels them to submit to. We find the same dissatisfaction existing in every town which Mr. Serjeant Dowling visits in his judicial capacity. Nor are we surprised, for it must be remembered, that the major part of those who frequent county courts are of that class whose business depends entirely on their daily *individual presence*, and to whom, consequently, time is as valuable as money; and delay, of the description adverted to, as serious in many cases, as the loss of the debt they seek to recover. These persons feel doubly aggrieved, when, after having attended from a distance, and probably incurred railway expenses, the particular case in which they are interested is adjourned for another month, as is frequently the case, in consequence of the Court not being able, in its limited sitting, to adjudicate on the whole of the plaints.

A return which has been forwarded to us of the hours at which the several courts in the district of the learned judge were summoned, and the times at which his Honour actually took his seat, fully shew that an alteration is urgently required by the suitors and others engaged at these courts. We may be wrong in our conclusions; but we cannot see the force of the arguments put forth in the assertion that keeping plaintiffs and defendants waiting an hour frequently leads to cases being settled, without going to actual trial; such arguments are, in our opinion, a mere attempt to palliate conduct which cannot be excused. The real fact is, that Mr. Serjeant Dowling lives in the remote village of Ainderby Steeple, on the Bedale branch of the North-Eastern Railway, the trains on which are of course very limited in number, and, consequently, suitors are inconvenienced, and the advantages which the establishment of county courts were intended to confer upon the public are seriously curtailed.—*York Herald*.

While on this subject, we would remark that some of our contemporaries have been dealing out their anathemas at Mr. Serjeant Storks, on account of his remarkable *impartiality* in a recent case, the particulars of which appeared in our last. The *Spectator*, after a full report of the proceedings in the court, says:—

"Now we are by no means prepared to adopt Mr. Serjeant Storks's view of the relation between the Legislature and the Bench. It is not for the judge to pronounce whether or not the legislature have been a cowardly lot, shrinking from the completion of the measure urged upon them by their own convictions; it is very questionable practice to seek the intent of an Act of Parliament in the marginal notes, the purpose of the Legislature from the interpretation of the index-maker. It is something more than questionable when a minor judge

avowedly departs from statutes and text-book, and makes his reference to 'the spirit of the age.' There is, too, an air of impatience, of a summary resolve to cut through the Gordian knot,—and any other knots not Gordian,—in a style very unusual for an English court of justice. All this merits distinct reprehension.

"And we are the more anxious to express our own disapproval, since we heartily agree with Mr. Sergeant Storks in his general principles, and do believe that this strange scene is only one amongst many less overt instances of the degree to which practised lawyers doubt our system of imprisonment for debt. It is a serious mistake to imagine that general principles can be summarily applied. Let us do that, and we at once introduce anarchy into all the arrangements of society. All the greatest principles by which we now abide would have been as disastrous to the society existing, if they had been abruptly decreed on the spur of the moment. There is no reform which has been consummated in the statute-book, of any great state, which would not have been a hideous calamity treated in that mob justice style. Yet the impatience is the expression of a natural feeling. Imprisonment for debt *is* absurd. It is to deprive the debtor of the means of discharging his obligation. It is to force a court of justice into the inevitable punishment of poverty. For if the *debt* is the cardinal point in the question it will be impossible, in the application of the law, to discriminate between debt involuntary and debt voluntary—default by misadventure and default by recklessness.

"There is, indeed, very great reason to question how far the penal enforcement of money obligations is not an action of the law which goes to waste. We have repeatedly called for important evidence on this subject, but we are not aware that it is forthcoming. There is more than one crucial test. No man can maintain his way respectably as a tradesman whose credit is in question; it is punishment enough for him to have it even suspected that he cannot pay. With regard, therefore, to all really solvent and regular tradesmen, the law for the enforcement of debt never applies. On the other hand, the apparent guarantee offered by a compulsory law does unquestionably operate as an inducement for reckless tradesmen to incur liabilities which they know they have no means of fulfilling; and the grand result is, that the bankruptcy annually amounts to millions upon millions sterling,—debts incurred on the false security which the law pretends to offer. It is the same with private debtors: if the tradesman gave no credit, save where he had grounds for believing, no man could get into debt beyond his means. The exceptions would be rare, the deviations would amount to nothing more than that general inaccuracy which besets all human operations. These remarks of course have no application to cases of fraud, nor do they touch the appeal to law in cases of disputed contract.

"Neither do we for a moment imagine that 'a bill' could be brought in, embodying the idea which we have submitted for consideration, and proposing to carry it out next session. It is simply impossible to legislate *à la* Storks on a question so momentous, with collateral bearings so complicated. It will perhaps take more than one generation before the collected mind of this country can arrive at anything like a distinct appreciation of the facts, or a definite conviction. But, we say, it is a question which is worthy to challenge the gravest consideration that can be applied to it."

In a superlative style of sarcasm, the *Saturday Review* says:—

"'This is a very impartial country for justice,' said the observant Mr. Samuel Weller; 'there aint a magistrate going as don't commit himself twice as often as he commits other people.' His Honour, Serjeant Storks, who appears to be the presiding judge and genius of Bow County Court, in order to keep up the magisterial average, has wisely determined to do away with the custom of committing anybody else at all. Henceforth, within the radius of the enlightened tribunal of Bow, incarceration for debts exists no more. Bow debtors may sleep securely in their beds—no sheriff's officer will beset the undefended threshold. This has been a year distinguished above its fellows for the many wise and sage remarks which have fallen from judicial lips. Some of them we have thought it our bounden duty to cherish and record. But it has also been a year of extensive reform. It has seen the simplification of more than one tedious process of law. For this little thanks is due to the Privy Council or to her Majesty, or the Houses of Parliament. To borrow the terse and classical language of Serjeant Storks, 'they are a cowardly Legislature—a cowardly lot.' England owes all to the spontaneous energy of her itinerary and other judges. King William delivered us from Popery and wooden shoes—the bold baron of the Western Circuit has freed us from the necessity of attending Divine service and from black caps. A lesser luminary has since arisen in Serjeant Storks, who ushers in an era of financial comfort and universal exemption from liabilities. 'I do not mean,' says the Serjeant, 'to send people to prison any more.' Serjeant Storks is a humane man—a very humane man. Serjeant Storks is the debtor's friend, and the father of the indigent—Serjeant Storks is the benefactor of the human race. Why was he not born an ancient Roman in the time of the Licinian laws, and called Cæius Storks Publicola?

* * * * *

"Hitherto we saw how the Serjeant was the final legislative authority in the state—the tria juncta in uno—queen, lords, and commons all in one. We have now arrived at the full development of the 'Storkian' philosophy—l'état c'est Storks. The Serjeant, who in a preceding colloquy denied that he had laid down any rule at all, has ceased to be a material substance, and has actually grown, not only into a rule, but into a 'principle.' The individual is merged in the idea—the man becomes the maxim. Sixty creditors, it is true, are sacrificed; but the Serjeant, viewed in the light of a delicate impersonation, is well worth a hecatomb. What if the sublimation of Storks continues to progress at this rate, and he is lost altogether to the naked eye and the judicial bench? Such a thing might happen if the Lord Chancellor turned his gaze in the direction of Bow County Court. All that would be left of his Honour might possibly be an exquisite reminiscence. It must indeed be confessed that some such further metamorphosis is expedient, if the world is to be governed by prudential rules. Storks, as a permanent 'principle,' is unspeakably beautiful; but as a permanent 'principle' would be expensive. He is too transcendental, too aerial for mundane uses. He and Astræa must together be content to wait till the golden age begins, which cannot be till we have done with gold as a circulating medium. Refusing, as he does, to acknowledge the possibility of sending any one to gaol, he is not suited to the present dispensation. We must all see that the Serjeant is ripe for better things.

The Provinces.

BATH.—*A Solicitor threatened with Murder.*—At the Bath Police-court on Tuesday, Henry Brinkworth, a man of respectable appearance, was charged with using threatening language towards Mr. George Cox, solicitor, and putting him in bodily fear. Barnett, a detective police officer, stated that, while on duty on the preceding evening, Miss Cox came and requested his assistance in turning a man out of the parlour in her father's house. On going there, witness found the prisoner, who refused to leave until he had received some deeds he wanted. As he persisted in remaining unless he was taken into custody, the officer complied with his wish, and took him to the station-house, where the inspector on duty advised him to adopt the usual proceedings to recover what he wanted, and then discharged him. On being liberated, he threatened to go to Mr. Cox's again and to "do" for him. He walked away, followed by the officer, to Pierrepont-street, where he walked to and fro, and threatened the life of Mr. Cox. His conduct led to a crowd assembling, and as he would not go away, the officer again took him to the station, and he was locked up. It further appeared from the evidence of the prosecutor and other witnesses, that Mr. Cox was consulted in his profession as a solicitor some years since by the prisoner, and in that capacity some deeds came into Mr. Cox's possession, which he could not give up without the consent of all the persons interested. Proceedings had been taken by the prisoner to obtain possession of these documents; but Mr. Cox had gone before a judge, and having explained how he became the holder of the deeds the suit was dismissed. On the 3rd inst., a letter was left at Mr. Cox's residence by the prisoner, who, on delivering it, told the servant he intended to carry out all that he had said. In this letter there was the following threat:—"I shall prepare myself with proper weapons, and take your life the first opportunity I can meet with you, let the consequences be what they may, for I am satisfied you are at the bottom of my misfortune." Mr. Cox, instead of calling upon the prisoner to answer this threat, wrote to him the next day, telling him the deeds were of no value to him. On the following day a second letter was delivered by the prisoner at Mr. Cox's residence, in which he said, "Whether the deeds are of any use to me or not, I expect you to give them up the same as when they were handed to you. I am still in the same mind, and I

you do not give the deeds up you must abide by the consequences." The prisoner made a rambling statement, but added, "I do not deny anything I have said; I mean all I have said: I wish to be committed for trial." Mr. E. T. Payne, another solicitor, who was present in court, denied some of the allegations made by the prisoner, who, it appears, has consulted several lawyers in Bath, Bristol, and elsewhere, and has been the means of causing some of them to be examined before the judges. He was fully committed for trial.

BIRMINGHAM.—*The Presidency of the Mayor at meetings of Magistrates.*—The Town Council have resolved that the question as to whether the mayor shall preside at all meetings of the magistrates shall be determined by legal proceedings. The Town Clerk has been instructed to adopt the necessary measures, and the finance committee are to provide funds for the same purpose. Considerable doubt seems to prevail even amongst those who are best able to judge of the policy of such proceedings, as to the course which should be pursued, but there is no doubt that the opposing parties will each exert their utmost power to obtain a decision in accordance with their own particular views. We shall watch the case with some interest, to see what shape it will assume, for it seems to us that considerable ingenuity must be shown to frame a case which may have even a chance of successfully deciding the question at issue.

DUDLEY.—At a recent sittings of the County Court, the officers of a money society endeavoured to recover from sureties the balance of a loan which they had partly received by way of composition from the borrower himself. It was contended by the sureties that, since the company had released the principal debtor by accepting his composition, the debt itself was cancelled; while the company held that the sureties were still liable for the balance. The judge decided in favour of the former view, his decision being against the company. His argument was that the borrower (who had failed in business, and had settled with the money society and all his other creditors by paying them a composition), would really derive no benefit from the settlement, if proceedings could still be taken against his sureties, since they would afterwards make him responsible to them, and he would therefore find himself, after all, chargeable with the whole debt. The proper course in such a case seems to be for the society to proceed against the sureties as soon as the borrower proves unable to pay. The sureties can then accept a composition, or come to any other settlement they please with the original debtor. The question is one of importance, both to the lenders as well as to the borrowers of money.

HALIFAX.—The judge of the County Court (Jas. Stansfeld, Esq.) has appointed George Dyson, Esq. (the coroner), and Michael Henry Rankin, Esq., as the registrars of that court, in the room of Ed. N. Alexander, Esq., deceased. On the 5th inst. (when the Court opened after being closed for a month), his Honour said, he wished to take that opportunity of saying how much he regretted the sudden and unexpected removal of the respected registrar who so recently occupied a place in that court. He thought he might safely appeal to the professional gentlemen and the suitors who were present, and say that the late Mr. Alexander uniformly discharged the duties of his office with fidelity and kindness to all parties. He had only just retired for a short season of relaxation from the toils of business, when he was so suddenly called away from the active scenes of life and the duties of his office. The gentlemen whom he had appointed (and whose appointment had received the approval of the Lord Chancellor) would, he had no doubt, endeavour to discharge the duties of their office in such a manner as would merit the confidence of the members of the legal profession, and give satisfaction to the suitors of the court.

LIVERPOOL.—*The Town Council and the Attorneys.*—There is a feud between the Town Council and the attorneys. The attorneys have come to the conclusion arrived at by a personal experience, that lay magistrates make but indifferent judges. They communicated their views to the Council by means of a report, requesting the Council to make the alleged necessity the subject of inquiry. The Council disposed of the matter somewhat summarily, and, as the lawyers say, discourteously, and inasmuch as no appointment can be made unless the Council first make a bye-law enabling her Majesty to act, the question was supposed to be settled. The lawyers, however, are not disposed to allow the matter to rest, and they accordingly made a second report. They now threaten to appeal to Parliament, thinking that Parliament may consider them to be better judges of this matter than the town councillors; and this threat has greatly excited the ire of the Council, because the attorneys point resolutely to a fund wherewith the second stipendiary can be remunerated, namely, the fees which, in ordinary practice, are received by the clerks to the magistrates but which in Liverpool are paid into the borough fund. The second report of the Law Society has formed the subject of an irregular discussion at the last meeting of the Council. It was attacked by Mr. Alderman Holme, who produced a number of figures in order to show that the borough fund was a great loser by appropriating the fees of the magistrates' clerks; in fact, a loser of no less a sum than 23,070*l.* 7*s.* 10*d.* It is, however, self-evident that Mr. Holme's figures have nothing to do with the question. The proceedings of the Law Society, however, have roused the indignation of some of the members of the Council, expressed in language we shall not transfer into our columns. It appears, by the speech of Mr. Avison, that the attorneys think they are not properly represented in the Town Council, and they have therefore determined to bring forward a member of their own selection, and, as Castle-street is the ward wherein the lawyers most thickly congregate, it is not unnatural that they should fix on this ward. But it so happens that Mr. Steains, who retires on the 1st of November, is a Liberal, and willing to be put in nomination again. It is said that Mr. Woodburn, the candidate approved of by the attorneys, is a Conservative, and that many attorneys usually voting with the Liberal party have promised him their support. We understand that the attorneys, in the first instance, offered their support to more than one attorney of the Liberal party, but that these gentlemen, whilst declining to stand, agreed to vote for any gentleman who would undertake to support the views of the attorneys in the Town Council. It is asserted by the attorneys that, if there were one or two of their brotherhood in the Council, subjects affecting the administration of the law would receive more consideration than the lay councillors are disposed to give them. There are several subjects of interest now before the Council; for instance, the better management of the Mayor's Court, which would be thoroughly ventilated if there were more of the legal element in the Council. It is, however, to be regretted that this quarrel should arise at this particular time, and in this particular ward, where the attempt, if successful, would displace a tried and valuable representative in Mr. Steains.—*Liverpool Albion.*

SALFORD.—*Election of Town-Clerk.*—A special meeting of the Town Council was held during the present week, the mayor (Mr. W. Harvey) presiding, for the purpose of electing a successor to Mr. Charles Gibson, late town-clerk of the borough. There were thirteen applications. The thirteen candidates included Mr. Foyster, clerk to the magistrates of the borough, with respect to whom, however, the general purposes committee reported "that it was inexpedient that the office of clerk to the magistrates and town clerk should be held by the same gentleman." The mayor read a letter from Mr. Foyster to himself, stating that as there was an objection on the part of many members of the committee to the vesting of the appointments of town clerk and clerk to the magistrates in one and the same person, he begged to intimate his determination to withdraw his name as a candidate for the office of town clerk. The votes being taken by ballot, showed a clear majority for Mr Brett. Mr. Cawley moved the following resolution:—

Resolved,—That Mr George Brett, of Salford, in the county of Lancaster, attorney-at-law, be and he is hereby appointed town clerk of this borough, at a salary of £250 per annum, and 2 guineas a day in addition when absent on the business of the corporation in London, or at any place distant more than twenty miles beyond the limits of the borough, and his travelling and hotel and other expenses when absent from the borough on the business of the corporation.

He expressed his belief that Mr. Brett would not lend himself to any faction or party, and that his appointment would prove satisfactory to them all. With respect to Mr. Foyster, he explained that the decision of the general purposes committee was based entirely on principle, without any reference whatever to Mr. Foyster's individual qualifications. Had Mr. Foyster not held the office of clerk to the magistrates, his application would have received the full consideration of every member of the council.—Mr. Alderman Marsden, in seconding the resolution, confessed that he felt a strong wish for the appointment of Mr. Foyster, but as it was considered that his present office was incompatible with the duties of town clerk, he had acquiesced in the course taken by the general purposes committee.—Mr. Alderman Radford wished, before the motion was put, to make one or two observations with reference to Mr. Foyster, a gentleman whose position in the borough was so well known in connection with the honourable office he held under the bench of magistrates, an office which he held not simply as an honourable appointment, but he was quite

satisfied that he held it with the fullest confidence, and with the esteem and regard of every member of the bench. In singling out Mr. Foyster from the other candidates, the committee felt themselves placed in a position of some difficulty. He was a gentleman who possessed every requisite qualification, and was, indeed, pre-eminently fitted for the office; but the committee felt that if he (Mr. Foyster) were appointed, occasions of a somewhat conflicting nature might arise; and, though there was no legal objection to the appointment, the committee thought that the holding of these two offices by one person would afford opportunities for invidious remarks in case of certain proceedings before the magistrates, would be placing the bench in an unfortunate position, and would lay the proceedings of the council somewhat open to comment. In order, therefore, that there should be no clashing in the discharge of the two offices, it had been deemed desirable to keep them separate.

The resolution was carried nem. dis.; and Mr. Brett having been introduced, and duly installed in his new office, received the congratulations of the members of the council.

WOLVERHAMPTON.—*Charge of Perjury against a Stafford shire Ironmaster.—Refusal of the Magistrates to permit a Compromise.*—About a month ago, Mr. John Spittle, an ironmaster, residing at West Bromwich, was charged before the Wolverhampton magistrates with perjury. From the evidence then adduced, it appeared that in the beginning of this year Mr. Spittle had drawn a bill for £3,000 on the Wolverhampton Bank, which was accepted by Mr. W. R. Roebuck, formerly manager at Wolverhampton of the Stour Valley Railway, and then also engaged in the iron trade. The bill on becoming due was dishonoured, and proceedings were instituted by the bank against Mr. Spittle, who, in order to be enabled to plead, filed an affidavit, declaring that the bill was an accommodation bill, without consideration, and containing other statements, which Mr. Roebuck alleged were false, and on which he brought a charge of perjury against Mr. Spittle. At the previous hearing the case was adjourned at the request of Mr. Motteram, counsel for the defence. When the case again came on, Mr. Hayes, of Wolverhampton, who conducted the prosecution, stated that he had that morning received a communication from his client, informing him that he (Mr. Roebuck) had received certain explanations in reference to the matter, and that in consequence he abandoned the prosecution. Mr. Hayes, in this position of affairs, left it to the Bench to decide whether the prosecution should be gone on with or abandoned. On the last hearing, Mr. Motteram had intimated his intention to subject the prosecutor to a scrutching cross-examination, and it was hinted that this threat had something to do with the abandonment of the prosecution by Mr. Roebuck. Mr. Leigh, the stipendiary magistrate who presided, stated that the Bench had come to the conclusion that there was an objection in every respect to allow a compromise of the charge. Mr. Roebuck, he held, was under obligation to attend there that day, and submit to a cross-examination. It would not do for a prosecution to be allowed to put the machinery of justice in motion on such a grave charge as forgery, and then, to escape a disagreeable part of the case, to withdraw it. The case was then adjourned till the 28th inst., Mr. Brown, Mr. Spittle's agent, undertaking to produce his client on that day.

National Association for the Promotion of Social Science.

BRADFORD MEETING.

Jurisprudence Department.

Sir Wm. Page Wood opened the first of the sectional addresses. After adverting to the objects of the Association, he remarked that, taking for granted that the principles of morals, the principles of right and wrong, had been ascertained as far as human infirmity was enabled to attain them, they might, he thought, treat the science of jurisprudence as being that science which deliberated on those portions of right and duty with reference to the social position of man, which it was requisite to protect, so far as right was concerned, and to enforce, so far as duty was concerned, by the sanction of the collective forces of the community as embodied in the executive. Looking at this definition, the question was, where was the proper line of separation which distinguished between what was moral and individual duty, and what they were called on to enforce by law? This was the great difficulty of the question, and could only be well discussed by taking up the past history of our jurisprudence. He combated the popular idea that lawyers were, as a body, opposed to the reform of the law, and contended that, from the earliest time the judges of the land had been a head of the public at large in their efforts to remedy the defects of our jurisprudence. The feudal law respecting the tenure of land had been reformed chiefly by the efforts of the judges, and it was through Lord Mansfield that our mercantile law had been improved, in opposition to the opinions of the people themselves. After referring to the celebrated speech of Lord Brougham on law reform, more than thirty years ago, and the vast improvement which had taken place since that period, the learned Vice-Chancellor next took up the subject of international law, which was intimately connected, he said, with the civilisation of mankind. Our commercial and international relations embraced a wide field, the question of decimal coins, weights, and measures, a uniform copyright, the delivering up of criminals, and the respect due to the religious opinions of foreign countries, besides the great and important questions relating to the rights of neutrals in time of war. Next came our national and domestic legislation. He would not touch on Parliamentary Reform, as he thought they should adhere closely to their plan as a scientific institution, and not introduce subjects on which party passion and feeling were likely to be brought to bear, otherwise the society would be shipwrecked. He defended the Statute Law Commissioners, and observed that that learned body could not be expected to do more than indicate a course to be pursued, not to complete a work. They had, however, made a digest of all the statutes from 1760 downward, pointing out which of them had been repealed or altered, a labour of very great importance indeed in connexion with the consolidation of the law. He next pointed out the necessity that exists for reforms in reference to private bill legislation. After referring to various law reforms that had taken place of late years, the learned Vice-Chancellor spoke of that portion of the law which affects our own rights and duties as citizens. This part of the subject included corporations, and he reminded his audience that had such institutions existed in France or Russia, those sweeping changes which had taken place without a single public meeting of the people taking place, could not have occurred in the way they had done. The next point was the private rights and duties of citizens; and under this head he dwelt on the important relations of husband and wife, guardian and child, &c., and observed that the association would do well to turn its attention to improvements of the law in these respects, especially to the condition of wards in Chancery. Then there was the law affecting real property, which was in a very complicated state, and requiring much change. He specified the law affecting the property of bankrupts, and pressed on the association the propriety of agitating for a measure to legalise the registration of land, so as to facilitate its transfer. This would open the way for working men to invest their savings in small plots of land, and thus greatly conduce to the stability and welfare of the nation; while it would be highly advantageous to the present landowners. The learned judge pointed out some of the late improvements in the Court of Chancery, as well as in the Common Law Courts, and enforced the propriety of a change in the law affecting bankruptcy and insolvency. Having briefly referred to the Bill upon the subject introduced by Lord John Russell, and promoted by that association, he said he had looked over the statistical returns relative to the costs of proceedings in bankruptcy under the existing system, and found that they to some extent modified the statement made as to the expenses in some cases swallowing 30 per cent. of the assets. It appeared to have been forgotten that out of the assets, the creditors who held security had to be paid in full; and, according to the returns, the expenditure in bankruptcy was about 23 or 24 per cent. Still, the expenditure was great, and considerable reform was needed. Sir Page Wood concluded by strongly urging the importance of legal education and subsequent examination, which had been hitherto considered almost unnecessary. He apologised for not having written his lecture, adding that he had almost an aversion to put pen to paper, and had, in consequence of this feeling, never delivered but one written judgment, notwithstanding the large number of cases which had come before him for decision.

Lord Brougham, whilst concurring in most of what had fallen from Vice-Chancellor Wood, entered his protest against the delivery of unwritten judgments. He was decidedly in favour of the judges in all important cases committing their judgments to writing. During the first year he was in the Court of Chancery, he found this impossible, owing to the pressure of business, but every judgment afterwards in the next

three years he reduced to writing, his reason for so doing being that, upon one occasion, he found, when writing his judgment that one or two matters, which might materially have influenced his spoken judgment, had previously escaped him. In the House of Lords, and in the Judicial Committee of the Privy Council, they had adopted this course in all important cases.

The first paper was read by Mr. THOMAS CHAMBERS, Common Serjeant of London, "On the Social Condition of the People as affecting and affected by the Law." The learned gentleman said, his object was to offer a few illustrations of the way in which legislative acts had affected the social condition of the people, and the social condition of the people had affected the action of the Legislature, so that there had been between the two an action and a reaction—a mutual influence and operation of one upon the other. Though it might sound paradoxical, law was at once the offspring and the parent of public opinion. Every enactment that was not the result of, or in close accordance with, the popular sentiment, was a dead letter. A nation's laws were therefore their best and most efficient instructors, and wise legislators had in all ages so regarded them. On this question of the influence of legislation, it was as easy to err on the side of excess as of deficiency. A bad law would neutralize an immense amount of benevolent enterprise, prostrate the operation of the best laid schemes, and inflict great social mischiefs on the State; a good one would aid all the exertions of philanthropy, and reinforce by public and official sanction what was wisely and humanely attempted by private citizens to better the condition of the people. Investigate their commercial history, and they saw the effect which legislation had had on their social and moral condition. The law of debtor and creditor, the bankruptcy and insolvency systems, the revenue laws, were severely criticised and condemned, as tending in various ways to the injury of the people, as diminishing the force of the motives to prudence and integrity in mercantile transactions, and even furnishing incentives to rashness, improvidence, and dishonesty. A law which dealt with every insolvent on the same principle, whether his commercial position was the result of misfortune, or of folly and extravagance amounting well nigh to fraud, was said to be not only unjust, but impolitic, as tending to confuse moral distinctions and to confound together crime and calamity. An instance of the unhappy moral effect of unwise laws was afforded by the numerous official and other oaths, in reference often to the most trivial matters, at once indicating, increasing, and perpetuating a low tone of feeling in relation to veracity. The paper then dwelt upon the beneficial influence which an improved literature had exercised upon the social condition of the people, and next upon the measures adopted in recent legislation for the prevention and punishment of crime, the reformation of criminals, the promotion of sanitary objects, the elevation of the condition of the working classes, the establishment of ragged and industrial schools, reformatories, refuges for discharged prisoners, &c. Glancing at the subject of intemperance and the influence of Acts of Parliament upon it, the learned gentleman inquired, what mischiefs—nameless, numberless, had sprung from the indefinite multiplication of beerhouses throughout town and country; and on the other hand, what unspeakable good was effected by the closing of all such places from midnight on Saturday to the afternoon of Sunday. In no country in Europe did the people take the share in distributing justice which was taken by their countrymen. The most momentous issues were directed by the people; the most important interests were confided to them; the most solemn questions were left with them, upon the whole well and wisely, diligently and faithfully had these functions been fulfilled, and no benefit could compensate for the loss of public confidence in the administration of justice.

After a few words from Mr. WORKSOP, Dr. BAKER commented upon the importance of an improved system of registration of land, which would render the sale of land as simple as the sale of hats and caps, or any other commodities.

The Attorney-General at Wolverhampton.

At the annual meeting of this society, held on the 4th inst., after several preliminary announcements and interesting addresses, Sir RICHARD BETHELL, who on coming forward was very warmly greeted, said, it was with feelings of no common pleasure that he found himself again on the same platform from which he had first been introduced to the people of Wolverhampton. With respect to the nature of the occasion on which they were met, he confessed that at the time when it was not necessary to introduce the subject of political relations, it was infinitely more agreeable to him to be admitted to social intercourse with his constituents, wholly apart from the somewhat agitating subjects which generally formed the ordinary topics of communication between a member of Parliament and those whom he represented. He rejoiced particularly that they had made theirs a Christian Institute. He heartily wished the time was come when all denominations would agree that there was a common field on which all might meet to found a truly national system of education, without the necessity of interfering in the smallest degree with the particular feeling of belief, or the particular form of worship, peculiar to each denomination. It was peculiarly grateful to him, as it was honourable to those who designed their Institute, that they had made it universal. It was the best criterion of success also. There were varieties of denominations among Christians, which he considered were allowed for a wise purpose. They insisted much on unanimation, but they thwarted that wise purpose when they made these distinctions a reason why they should not concur in teaching truths which were believed and accepted by all. With regard to the general purposes of education that distinguished the Institute, there was one that he would point out, and that was the great advantage they would find to result from the formation of small classes for mutual improvement. From his own personal experience he should say that such classes would tend more than anything else to the moral and intellectual benefit of their members. Then there was a great advantage in studying history from a Christian point of view. They had all heard lately of the love and desire of peace, and they all knew there could be no prosperity or happiness on this earth unless they could look forward to some certain assurance of tranquillity and peace. But the unfortunate thing was, that children were educated from their earliest age in the lore of war and the glory of war, and to believe that the slaughter of human beings constituted the very acme of human reputation. They never heard of such men as Watt or those who, by some great improvement, had benefited the whole human race; they never heard the title of hero applied to such men. It was, on the contrary, confined exclusively to those who had been fortunate in murdering, in destroying the greatest number of the human race. There were restless spirits just now in Europe, who thought the greatest glory was to be derived from warlike reputation. He conceived that the cause of that was, that their histories were based too much upon these things, and that, accordingly, their youth was brought up from the tenderest years to think that real fame was only to be found in war, and that the avenues to distinction, not only for the present, but for future ages, were through successful war. It was very difficult to eradicate these feelings from the mind, and it could only be done by the study of history from a Christian point of view. History, he contended, should be principally occupied with the social, moral, and intellectual purposes of the race, and scenes of ruin and blood be cast into the dark corners as the opprobria of humanity. There were many other subjects Sir Richard observed in conclusion, connected with the institute on which he should have liked to say a few words, but which he would leave to the able speakers who were to follow him. He could only hope that this would not be the last occasion on which he should take part in such proceedings. He should most gladly promise, especially as the anniversary of their Institute occurred in this season of the year, to be present at it, and to contribute [illegible] to encouragement and support, for he knew no duty that was more delightful, as there was none more becoming in a representative of the people.

Obituary.

THE LATE HENRY HALL, ESQ., OF LEEDS.

We record with very sincere regret the death of the most venerable and respected Henry Hall, Esq., who died on Thursday morning, the 6th inst., at the advanced age of eighty-six years. This gentleman was a Deputy-Lieutenant of the West Riding, the senior magistrate of the borough, an alderman in the corporation which existed before the Municipal Reform Bill, and had filled several offices in the borough with honour to himself, and with the most hearty confidence of his fellow-townsmen. For more than forty years he was the treasurer of the Leeds General Infirmary, to which valuable institution he devoted incessant and anxious attention. He was also for many years the chairman of the committee of the Leeds Library, and was a trustee of the Moot Hall property, the Free Grammar School, the Leeds Vicarage, and other local bodies. He

also served the office of mayor under the old corporation in the years 1796, 1812, and 1825. His business-like habits, decision of character, agreeable manners, high integrity, perseverance, and punctuality, well qualified him for positions of this nature. Mr. Hall was zealously attached to the Church of England and all its institutions He was universally respected by his fellow-townsmen, and in the enjoyment of that respect he calmly descended into the vale of years. It was his pride and happiness to see his only son, a lawyer of talent, learning, and worth, elected Member of Parliament for this borough in the year 1857, but in a few weeks after this high honour had been realised, death reversed the scene and snatched away the object of his fond attachment. Mr. Hall's fellow-townsmen expressed their sense of the value of his services to the infirmary and to the town by subscribing for a marble statue, which now stands in that institution. His death will be lamented by men of all parties. The funeral will take place at Whitkirk, on Monday next, at half-past twelve o'clock. It is expected that there will be a numerous attendance of magistrates and other influential inhabitants of the town.

THE LATE SIR GEORGE GOODMAN OF LEEDS.—Sir George Goodman, formerly M.P. for the borough of Leeds, who for some time past had been sufferring from a paralytic affection, brought on by his close and continuous attention to his parliamentary duties, died at his seat at Roundhay, near Leeds, on Thursday morning. Sir George was a magistrate for the West Riding of Yorkshire, also for the borough of Leeds, and was the first mayor for that borough under the Municipal Corporations Act in 1836. To the same office he was also elected in 1846, 1850, and 1851, in the last of which years he received the honour of knighthood. While in office as mayor in July, 1852, he resigned to become a candidate for the representation of the borough in Parliament, and was elected as the colleague of the Right Hon. M. T. Baines. The high esteem in which Sir George was held was on that occasion manifested by his being returned at the head of the poll. On the dissolution of Parliament in 1857 he retired from the representation owing to failing health, and from that period he was seldom able to appear in public. Some years back he was prominent in all political and philanthropic movements. He was a warm advocate of free trade, and was in politics a decided Liberal, in favour of a large extension of the franchise. His name will be handed down to future generations by a splendid portrait, which adorns the council-chamber at the Town-hall, placed there by his fellow-townsmen in commemoration of his election as first Mayor of the borough after the passing of the Municipal Reform Act.

Reviews.

Oaths in Common Law. By ROBERT COLE, Solicitor. London: Stevens & Norton.

This is a useful little work, particularly to commissioners appointed under the statute 22 Vict. c. 16. It contains the forms of oaths and affirmations to be administered in special and other cases, and the forms and recognisances of bail in error, to which are appended explanatory notes and observations by Mr. Cole, which will be found of practical utility.

Parliamentary Costs. By EDWARD WEBSTER. London: Stevens & Norton.

The object of this work is to give the scale of costs allowed to solicitors in relation to proceedings upon private Bills before Parliament, the conduct of election petitions and appeal causes, and the allowance to witnesses. The connection of the author with the Taxing-office of the House of Commons gives authority to the work, which has been compiled with some skill, and contains a very useful index, by which the costs allowed for attendances, time, drawing, copying, and perusing, in the several parliamentary proceedings, may be easily ascertained.

Births, Marriages, and Deaths.

BIRTHS.

CHANCE—On Oct. 2, at the residence of her father, Shrewsbury, the wife of George Chance, Esq., of 23, Devonshire-terrace, Hyde-park, Barrister-at-Law, of a son.

LIDSTONE—On Oct. 10, at Greenhill, Kingsbridge, the wife of G. B. Lidstone, Esq., Solicitor, of a son.

SANDERS—On Oct. 7, at Broomsgrove, the wife of B. H. Sanders, Esq., of a son.

MARRIAGES.

BURNETT—CRAWFORD—On Oct. 6, at Hove Church, near Brighton, by the Rev. Thomas Singer, M.A., incumbent of Hampstead, and Prebendary of St. Paul's, Frederic Wildman Burnett, Esq., M.A., of Lincoln's-inn, Barrister-at-Law, to Henrietta Wedderburn, youngest daughter of James Henry Crawford, Esq., of Brunswick-square, Hove, and late of the Bombay Civil Service.

CUPPAGE—COLLIS—On Oct. 4, at Kilworth Church, Major John M'Donald Cuppage, H.M.'s 89th Regiment, eldest son of the late Adam Cuppage, Esq., Colonial Judge of Barbados, to Elizabeth Geraldine, youngest daughter of the late William Cook Collis, jun., Esq., of Castle-Cook, and of the late Sarah, eldest daughter of the late John Hyde, Esq., of Castle-Hyde.

FRYER—CHURCH—On Oct. 8, at St. Botolph's, by the Rev. J. Simeon, Vicar of Dymock, Gloucestershire, Kedgwin Hoskins Fryer, Esq., Solicitor, Gloucester, to Hannah, daughter of the late Charles Church, Esq., of Gloucester.

HODGSON—ROWELL—On Oct. 8, at St. Hilda's Church, Hartlepool, by the Rev. Robert Taylor, Mr. Edward Hodgson, Solicitor, Hartlepool, youngest son of the late Thomas Hodgson, Esq., of Haxby, near York, to Catherine, only child of the late Thomas Rowell, Esq., of Sedgewick House, Hartlepool.

MOUAT—TINDAL—On Oct. 6, at St. Peter's Church, Dublin, by the Rev. Robert C. Halpin, Chaplain to the Forces, James Mouat, Esq., C.B. and V.C., Knight of the Legion of Honour, Deputy Inspector-General of Army Hospitals, to Adela Rose Ellen, youngest daughter of the late Rev. Nicolas Tindal, and granddaughter of the late Sir Nicolas Conyngham Tindal, Lord Chief Justice of the Court of Common Pleas.

NEWMAN—WATSON—On Oct. 6, at St. Giles' Church, Camberwell, W. H. Newman, Esq., of St. Hellier's, Jersey, to Emily C. Watson, of Brunswick-square, Camberwell, eldest daughter of the late Robert Watson, Esq., Solicitor, of Moorgate-street, London.

PARR—FORSHAW—On Oct. 4, at the Parish Church, Aughton, by the Rev. W. H. Bolton, M.A., William Parr, Esq., Solicitor, Ormskirk, only son of Richard Parr, Esq., to Hannah Jackson, only daughter of Richard Forshaw, Esq., Whimbrick-house, Aughton.

SATCHELL—BRIDGE—On Oct. 11, at St. Mary's, Weymouth, by the Rev. Talbot Greaves, M.A., the incumbent, Theodore, second son of John Satchell, Esq., Solicitor, of 19, Ladbroke-square, Kensington, to Mary Anne, only child of the late John Perkins Bridge, Esq., of Henley House, near Crewkerne.

WALKER—GUISSIO—On Sept. 26, at the house of the bride's father, Alexandria, also at the English Church, by the Rev. Ed. Winder, Charles Bristow Walker, Esq., eldest son of the late John Walker, Esq., Solicitor, of London, to Catherine, fourth daughter of Signor, John Guissio.

WALSH—JUDGE—On Oct. 12, by the Rev. J. Trollope, rector of Crowmarsh, and uncle of the bridegroom, assisted by the Rev. C. Walters, P.C., of Wardington, W. H. Walsh, Esq., Solicitor, of Oxford, to E. A. Judge, eldest daughter of the late C. Judge, Esq., of Banbury.

WEDD—WRIGHT—On Oct. 5, at St. Mary's district Church, St. Marylebone, Charles Wright Wedd, Esq., of Boston, Lincolnshire, to Charlotte, third daughter of Mr. J. Wright, Solicitor, Marylebone-road.

WOOD—LAWRANCE—On Oct. 10, at Earnley, Sussex, by the Rev. W. H. Reuknap, brother-in-law of the bride, Thomas Lett Wood, Esq., of the inner Temple, Barrister-at-Law, to Mrs. George Leggatt, late of Guildford, eldest daughter of James Lawrance, Esq., of Earnley.

DEATHS.

BEDFORD—On Oct. 11, Henry Bedford, Esq., Solicitor, 4, Gray's-inn-square, of disease of the heart, aged 61.

CHAPMAN—On May 30, at 157, Western-road, Brighton, Miss Louisa Chapman, youngest daughter of Richard Enoch Chapman, Esq., Barrister-at-Law and member of the Inner Temple; and on Oct. 8, Miss Catherine Chapman (of dropsy), second daughter of Richard Enoch Chapman, Esq., Barrister-at-Law and member of the Inner Temple.

HALL—On Oct. 6, aged 86, at his residence, Bank House, Pontefract-lane, Henry Hall, Esq., for many years senior magistrate of Leeds, and a Deputy-Lieutenant of the West Riding.

HOWARD—On Oct. 7, Thomas Howard, Esq., of Preston, Solicitor, aged 73.

JACOB—On Oct. 7, at Oxford, after a long illness, aged 32, Stephen Charles Roberson Jacob, third son of Mr. Jacob, clerk to the Justices and to the guardians of the poor, Oxford.

THACKRAH—On Oct. 6, aged 23, Louisa, wife of Mr. John Thackrah, Solicitor, Leeds, and youngest daughter of the late John Webster, Esq., of Prospect House, Morley.

WARD—On Sept. 29, at Furlong House, Burslem, Anne, wife of John Ward, Esq., Solicitor.

WARWICK—On Oct. 7, at St. John's-wood, Julian Charles Henry Warwick, Esq., second son of the late Guy Warwick, Esq., of Lincoln's-inn, Barrister-at-Law.

Unclaimed Stock in the Bank of England.

The Amount of Stock heretofore standing in the following Names will be transferred to the Parties claiming the same, unless other Claimants appear within Three Months:—

GENTRY, JOHN THOMAS, Farmer, Netteswell, Essex, £400 New 3 per Cents. —Claimed by JOHN THOMAS GENTRY.

GENTRY, FRANCES MARY, Spinster, Netteswell, Essex, £200 New 3 per Cent. Annuities.—Claimed by JOHN THOMAS GENTRY.

STEDMAN, MARIA, High-street, Camberwell, GEORGE FEATHERSTONE, Gent., Chatham, and MARY STEDMAN, North-street, Edgware-road, £125 New 3 per Cents.—Claimed by MARIA STEDMAN, GEORGE FEATHERSTONE, and MARY NEWBERRY, formerly Mary Stedman.

WAY, ABRAHAM, Farmer, Morchard Bishop, Devon, £100.—Claimed by the Venerable JOHN BARTHOLOMEW, Archdeacon of Barnstaple, WILLIAM CHALLICE, JOHN WREFORD, PHILIP SAUNDERS, and WILLIAM MORTIMER.

Estate Exchange Report.

AT THE MART.

By Mr. ATKINS.

Freehold Dwelling-house, Bell-green, Sydenham; let at £20 per annum.—Sold for £280.

Freehold Dwelling-house, adjoining the above; let at £14 per annum.—Sold for £185.

Freehold House and Shop (the Lower Sydenham Post-office); let at £28 per annum.—Sold for £385.

Freehold Residence, South-eastern Lodge, Bell-green; let at £26.—Sold for £405.

By Messrs. Baggallay & Son.

Leasehold Residence, No. 1, Sidney-square, Sepney; let at £35 per annum; term, 42 years from Michaelmas, 1859, free from ground-rent.—Sold for £360.

Leasehold, No. 22, Sidney-street, known as the "Skiney Arms" beer-house; let at £30 per annum.—Sold for £325.

Leasehold Dwelling-house, No. 22, Somerset-place, New-road, Commercial-road East; let at £26 per annum.—Sold for £240.

Leasehold Houses, Nos. 7 to 9, Albert-street, High-street, Shadwell; let at £57 per annum.—Sold for £230.

By Mr. Mansf.

The Reversionary Interest in £2,232 : 15 : 1 Annuities; also a present Income of £16 : 19 : 4 per annum.—Sold for £930.

The Reversion to the sum of £2,022 : 3 : 7 Consols, subject to a contingency.—Sold for £280.

The Absolute Reversions to sums amounting to £1,033 : 6 : 8 Consols.—Sold for £400.

Twenty-five Shares, of £20 each (£17 : 10 : 0 paid) in the East of England Bank.—Sold for £7 : 15 : 0 per share.

English Funds.

English Funds.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Bank Stock	..	221	219 21	220 1	221	222
3 per Cent. Red. Ann.	..	..	94¼ ⅝	94¼ ⅜	94¼ ½	94¼ ⅝
3 per Cent. Cons. Ann.	95¼ ⅜	95¼ ⅜	95¼ ⅜	95¼ ⅜	95¼	95¼
New 3 per Cent. Ann.	..	..	94¼ ⅜	94¼ ⅜	94¼	94¼
New 3½ per Cent. Ann.	..	..	..	..	..	..
New 3¼ per Cent. Ann.	..	..	89¼	79½	..	..
5 per Cent. Ann.	109¼	..	..	..	..	..
Consols for account	95¼ ½	95¼ ½	95¼ ½	96 5⅛	95¼ ⅜	95¼ 6
Long Ann. (exp. Jan. 5, 1860)	..	..	..	..	..	..
Do. 30 years (exp. Jan. 5, 1880)	..	..	..	..	..	..
Do. 30 years (exp. Apr. 5, 1885)	..	..	..	..	..	17¾
India Debentures, 1858	..	..	..	95¼	95¼	95¼
Ditto 1859	95¼	95¼	95¼	95¼ ⅜	95¼	90
India Stock	217	218	217½	218 17½	219	..
India Loan Scrip	101¼	101¼ ⅜	101¼ ⅜	101¼ ½	101¼ ½	102¼
India Loan Stock	..	..	..	..	..	102¼
India Bonds (£1,000)	..	..	..	38 d	38 d	..
Do. (under £1000)	4 d par	..	..	4 d	par	..
Exch. Bills (£1000) Mar.	25s8sp	24s7sp	24s7sp	24s7sp	24s7sp	25s8sp
Ditto June	..	..	..	..	..	..
Exch. Bills (£500) Mar.	25s8sp	24s7sp	24s7sp	24s7sp	24s7sp	25s8sp
Ditto June	..	..	..	..	..	..
Exch. Bills (Small) Mar.	25s8sp	24s7sp	24s7sp	24s7sp	24s7sp	25s8sp
Ditto June	..	..	..	..	..	..
Do. (Advertised)	..	..	..	..	..	..
Exch. Bonds, 1858, 3½ per Cent.	..	..	..	..	..	..

Railway Stock.

Railways.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Birk. Lan. & Ch. Junc.	..	..	76 8	76½	..	..
Bristol and Exeter	99	..	99½	..	..	..
Caledonian	89¼ 9	89½	..	88¾ 9½	89	89¾
Chester and Holyhead	..	..	..	..	..	..
East Anglian	..	..	..	..	..	..
Eastern Counties	55¼	55¼	55¼	55	55¼	55¼
Eastern Union A. Stock	..	..	..	..	..	..
Ditto B. Stock	..	..	..	..	..	..
East Lancashire	..	..	..	..	..	..
Edinburgh and Glasgow	..	..	..	..	..	..
Edin. Perth, and Dundee	..	..	..	27½ 7	..	27½
Glasgow & South-Westn.	..	98	..	..	..	..
Great Northern	..	102¾	102¾	102¾	102¾	..
Ditto A. Stock	..	85¾	..	..	..	85¾
Ditto B. Stock	..	131	132 1½	..	..	..
Gt. South & West. (Ire.)	..	106½	..	..	..	..
Great Western	63¾ ¼	63¾ ¼	63¾ ¼	63¾ ¼	63¾ ¼	63¾
Do. Stour Vly. G. Stk.	..	80	..	..	..	..
Lancashire & Yorkshire	96	95¾ 6	96¼	96¼ ¼	96	96¼
Lon. Brighton & S. Coast	112¾	112¾	..	112¾	..	112¾
London & North-Westn.	93¾ 4	94 ¼	94¼	94¼ 4	94	94¼
London & South-Westrn.	..	..	..	..	..	..
Man. Sheff. & Lincoln	35¾	35¾	35¾	35	..	35
Midland	105½ 5	105½ 5	105 ¼	105¾	105	105
Ditto Birm. & Derby	..	..	..	..	..	..
Norfolk	..	57	..	..	..	..
North British	59	..	59¼	..	59¼	59¾
North-Eastern (Brwck.)	88¾	88¾	88¾	88¾ ¼	88¾	88¾
Ditto Leeds	..	45	..	..	..	..
Ditto York	72¾	71¾ ¼	71¾ ¼	71¾	..	..
North London	..	..	..	..	..	..
Oxford, Worc. & Wolver.	..	..	..	32¾	33	..
Scottish Central	115¾	..	..	..	..	..
Scot. N.E. Aberdeen Stk.	..	..	..	..	..	25¾
Do. Scotsh. Mid. Stk.	..	..	..	..	..	..
Shropshire Union	46¾	46	..	..	..	..
South Devon	46¾ 7	..	..	47	46¾	47
South-Eastern	76¾	76¾ ¼	..	76¾ ¼	76¾ ¼	76¾
South Wales	72	..	..	..	73	..
Vale of Neath	..	..	..	63¾	60	..

London Gazettes.

Professional Partnerships Dissolved.

TUESDAY, *Oct.* 11, 1859.

GROVER, CHARLES ERNEST, & JAMES ASHER LAMB, Attorneys & Solicitors, Hemel Hempstead.

FRIDAY, *Oct.* 14, 1859.

KING, THOMAS, & RICHARD NELSON CHALLAN, Attorneys and Solicitors, Brighton and Lewes. Business to be carried on by Thomas King only.

Creditors under 22 & 23 Vict. cap. 35.

Last Day of Claim.

TUESDAY, *Oct.* 11, 1859.

MANSFARD, THOMAS, late of Wennington, Essex (who died on June 19, 1859). Send particulars of debts in writing to Mr. Hulne, 29 South Molton-st., Oxford-st.

APTHORP, REV. CHARLES, late of Tansor, Northamptonshire (who died in or about the month of Nov. 1858). Gill & Bush, Solicitors, 3 Miles's-bldgs., Bath. Nov. 17.

FRIDAY, *Oct.* 14, 1859.

PATERNOSTER, GEORGE, Chemist and Druggist, 7 Windsor-pl., Old Kent-rd. (who died Aug. 21, 1859). Particulars to be sent to Mrs. M. Paternoster, 7 Windsor-pl. aforesaid, or to Mr. H. P. Garner, 5 Carthusian-st., Charterhouse-sq. Nov. 12.

Winding-up of Joint Stock Company.

LIMITED, IN BANKRUPTCY.

FRIDAY, *Oct.* 14, 1859.

GENERAL SMELTING AND REFINING COMPANY (Limited).—Call upon all Contributories, Nov. 3, at 1.30; Basinghall-st. Com. Evans.

Assignments for Benefit of Creditors.

TUESDAY, *Oct.* 11, 1859.

BAKER, CLEMENT, Pencoed, Coychurch, Glamorganshire, and NELSON FEDDEN, Llanharry, Glamorganshire, Collier & Coal Proprietor. Sept. 24. *Trustees*, S. Cox, Gent., Bridgend; T. E. Cooke, Engineer, Newport, Monmouthshire. *Sol.* Stockwood, Bridgend.

BROWN, JAMES, Bookseller, 24 Eccleston-st., Pimlico, Middlesex. Sept. 29. *Trustees*, J. Judd, Printer & Publisher, 38A, New Bridge-st., Blackfriars; J. Sears, Printer, Bolt-ct., Fleet-st. *Sol.* Leakey, 9 Old Jewry-chambers.

DAVIES, JAMES, Saddler, Leominster, Herefordshire. Sept. 27. *Trustees*, T. Davies, Farmer, Sutton, Worcester; S. Sampson, Auctioneer, Leominster. *Sol.* James, Leominster.

FLYNN, WILLIAM, Draper & Tea Dealer, Bury St. Edmunds, Suffolk. Sept. 24. *Trustees*, A. Scatter, Draper, Bury St. Edmunds; G. W. Richardson, Draper, Bury St. Edmunds. *Sol.* Salmon, Bury St. Edmunds.

KNAPP, THOMAS, Printer, Publisher, Bookseller, & Stationer, Faringdon, Berkshire. Oct. 5. *Trustees*, H. St. John Medley, Banker, Faringdon; T. Belcher, jun., Grocer, Faringdon; W. Watson, Wholesale Stationer, 77 Cannon-st. West. *Sols.* Haines, Faringdon; Nicholson, 68 Lime-st.

SCANLAN, CHARLES, Chemist & Druggist, Chester. Oct. 1. *Trustees*, T. B. Evans, Wholesale Druggist, Liverpool; J. Higginson, News Agent, Chester. *Sol.* Edwards, Chester.

SHARRATT, HENRY, Cap Manufacturer, Nantwich, Cheshire. Sept. 16. *Trustees*, E. Gledhill, Cap Manufacturer, Leeds; W. Wright, Cap Manufacturer, Manchester. *Sols.* Sale, Worthington, Shipman, & Seddon, Manchester.

SHORT, WILLIAM, Builder, Newton Abbot, Devonshire. Sept. 17. *Trustees*, E. C. Kent, Gent., Newton Abbot; J. C. Stark, Ironmonger, Torquay. *Sol.* Francis, Newton Bushel.

YOUNG, JAMES, Linendraper, Ramsgate, Kent. Sept. 15. *Trustee*, J. Howell, Warehousenan, St. Paul's Churchyard. *Sols.* Parker & Lee, 18 St. Paul's Churchyard.

FRIDAY, *Oct.* 14, 1859.

BRINDLEY, JOSEPH SERJEANT, Draper, Birmingham. Sept. 19. *Trustee* E. Jackson & W. Butterfield, Merchants, Manchester. *Sols.* Sale Worthington, Shipman, & Seddon, 29 Booth-st., Manchester.

BOYD, ARCHIBALD, Upholsterer & Cabinet Maker, 20 Edward-st., Portman-sq. Sept. 22. *Trustees*, W. Baulting, Builder, 60 George-st., Euston-sq.; and W. Hone, Fringe Manufacturer, 27 Charles-st., Middlesex Hospital. *Sol.* Goren, 29 South Molton-st., Oxford-st.

GREENWOOD, JAMES, Druggist, Heywood, Lancashire. Oct. 1. *Trustee*, M. Fitzgerald, Accountant, Manchester. *Sol.* Grundy, Manchester.

MACDONALD, WILLIAM, Timber Merchant, Canton, Llandaff. Sept. 24. *Trustees*, C. P. B. Howell, Timber Merchant, Bristol; and M. Fower Hotel Proprietor, Shrewsbury. *Sol.* Morgan, Shrewsbury.

VASEY, JAMES, Grocer, Coxhoe, Durham. Sept. 20. *Trustees*, W. S. Harrison, Ironmonger, Sunderland; and G. Farthing, Miller, Crosdale Mill. *Sol.* Bramwell, Durham.

Bankrupts.

TUESDAY, *Oct.* 11, 1859.

BARRS, JOHN, Chemist and Druggist, Sedgley, Staffordshire. *Com.* Sanders: Oct. 22, and Nov. 11, at 11.30; Birmingham. *Off. Ass.* Whitmore. *Sol.* Jackson, Westbromwich. *Pet.* Oct. 10.

BAWDEN, MICHAEL WILLIAMS, Assayer of Minerals and Mine Share Broker, Exeter. *Com.* Andrews: Oct. 20, at 1; Nov. 16, at 12; Exeter. *Off. Ass.* Hirtzel. *Sols.* Hingston, Liskeard; Terrell, Exeter. *Pet.* Oct. 7.

BOLTON, CHARLES, Upholsterer, 8 Moreton-st., Pimlico, Middlesex. *Com.* Holroyd: Oct. 25, at 2.30; Nov. 22, at 2; Basinghall-st. *Off. Ass.* Edwards. *Sols.* Norton, Son, & Elam, 1 New-st., Bishopsgate. *Pet.* Oct. 7.

HAIGH, JAMES, & JOSEPH HAIGH, Brushmakers, Mossley, Lancashire. *Com.* Jemmett: Oct. 24 and Nov. 11, at 12; Manchester. *Off. Ass.* Fraser. *Sols.* Brooks, Marshall, & Brooks, Ashton-under-Lyne. *Pet.* Oct. 4.

HARPER, THOMAS, Cooper, Sheffield. *Com.* West: Oct. 29 and Nov. 26, at 10; Sheffield. *Off. Ass.* Brewin. *Sol.* Fretson, Sheffield. *Pet.* Oct. 6.

HEARN, GEORGE, Grocer, Truro, Cornwall. *Com.* Andrews: Oct. 20, at 1; Nov. 16, at 12; Exeter. *Off. Ass.* Hirtzel. *Sols.* Stokes, Truro; Thurer & Hirtzel, Exeter. *Pet.* Oct. 4.

HODGES, EDWIN, Boot and Shoe Dealer, Shrewsbury. *Com.* Sanders: Oct. 22 and Nov. 11, at 11.30; Birmingham. *Off. Ass.* Kinnear. *Sol.* Sankling, Birmingham. *Pet.* Oct. 8.

JACKSON, JOHN, Cattle Dealer, Dighy, Lincolnshire. *Com.* Sanders: Oct. 25 and Nov. 15, at 11.30; Nottingham. *Off. Ass.* Harris. *Sols.* Brown & Son, Lincoln. *Pet.* Oct. 8.

POSTILL, EDWARD, Druggist, York. *Com.* West: Oct. 28 and Nov. 18, at 11; Leeds. *Off. Ass.* Young. *Sols.* Walker, York; Bond & Barwick, Leeds. *Pet.* Oct. 10.

FRIDAY, *Oct.* 14, 1859.

ALCOCK, SAMUEL, & THOMAS ALCOCK, China & Earthenware Manufacturers, 89 Hatton-garden, and Burslem, Staffordshire (Samuel Alcock & Co.) *Com.* Holroyd: Oct. 27, and Nov. 29, at 12; Basinghall-street. *Off. Ass.* Edwards. *Sols.* Linklater & Hackwood, 7 Walbrook. *Pet.* Oct. 11.

AMISS, REUBEN, Tailor, 65 Conduit-street, Regent-street. *Com.* Evans: Oct. 27, at 12, and Nov. 25, at 11; Basinghall-street. *Off. Ass.* Bell. *Sols.* Cooper & Hodgson, Verulam-buildings, Gray's-inn. *Pet.* Oct. 13.

BARNES, WILLIAM, & SAMUEL PICKERING, Wholesale Boot & Shoe Manufacturers, 83 Gracechurch-st., late of 127 Brick-lane, Bethnal-green. *Com.* Evans: Oct. 29, at 11; and Dec. 1, at 2; Basinghall-st. *Off. Ass.* Johnson. *Sol.* Hand, 22 Coleman-st. *Pet.* Oct. 12.

BINGHAM, GEORGE CASTLE, Boot Manufacturer, Nottingham. *Com.* Sanders: Oct. 25, and Nov. 29, at 11.30; Nottingham. *Off. Ass.* Harris. *Sol.* Shelton, Nottingham. *Pet.* Oct. 8.

BROWN, THOMAS HENRY JOHNSON, Builder, 1 Scott's-yd., Bush-lane, Cannon-st., and of Blythe-lane, Hammersmith. *Com.* Evans: Oct. 24, at 1.30; and Nov. 24, at 1; Basinghall-st. *Off. Ass.* Johnson. *Sol.* Smith, 15 Wilmington-sq. *Pet.* Oct. 5.

BRUCE, CHARLES, Cabinet Maker, Stafford. *Com.* Sanders: Oct. 27 and Nov. 17, at 11.30; Birmingham. *Off. Ass.* Kinnear. *Sols.* Bowen, Stafford; or E. & H. Wright, Birmingham. *Pet.* Oct. 6.

DAVIS, JAMES, Poulterer, Skinner's-pl., Leadenhall Market. *Com.* Evans: Oct. 24, at 1; and Nov. 24, at 12; Basinghall-st. *Off. Ass.* Bell. *Sols.* Jenkinson, Sweeting, & Jenkinson, Clements-lane, Lombard-st. *Pet.* Oct. 8.

HARRIS, WILLIAM, & WILLIAM WEST (William Harris & Co.), Drapers, Kingston-upon-Hull. *Com.* Ayrton: Nov. 2, and Dec. 7, at 12; Kingston-upon-Hull. *Off. Ass.* Carrick. *Sols.* England & Saxelbye, Kingston-upon-Hull. *Pet.* Sept. 3.

LESSER, LOUIS, & JACOB LESSER, Shoe Manufacturers, Tipton, Staffordshire. *Com.* Sanders: Oct. 26, and Nov. 14, at 11. *Off. Ass.* Whitmore. *Sol.* Hemmant, Tipton. *Pet.* Oct. 11.

JONES, ERNEST CHARLES, Printer & Publisher, Cambridge-pl., Victoria-pl., Kensington. *Com.* Evans: Oct. 24, and Nov. 24, at 2; Basinghall-st. *Off. Ass.* Johnson. *Sols.* Grane, Son, & Fesenmeyer, 23 Bedford-row. *Pet.* Oct. 13.

PRIESTLEY, LISTER, Commission Agent, Heckmondwike, Yorkshire. *Com.* West: Oct. 28, and Nov. 25, at 11; Leeds. *Off. Ass.* Young. *Sols.* Foster, Bradford; or Clarke, Leeds. *Pet.* Sept. 30.

SEELY, MICHAEL SALMON, Confectioner, Lincoln. *Com.* West: Oct 26, and Nov. 23, at 12; Kingston-upon-Hull. *Off. Ass.* Carrick. *Sol.* Tweed, Lincoln. *Pet.* Oct. 11.

WREN, THOMAS, Dealer in Boots and Shoes, Richmond, and Bayswater. *Com.* Evans: Oct. 24, at 11; and Nov. 25, at 12; Basinghall-street. *Off. Ass.* Johnson. *Sol.* Wells, 47 Moorgate-street. *Pet.* Oct. 13.

BANKRUPTCIES ANNULLED.

TUESDAY, *Oct.* 11, 1859.

TAYLOR, NATHANIEL, Linendraper, Kingston-upon-Hull. Oct. 5.

EVANS, OWEN, Innkeeper, Liverpool. Oct. 10.

FRIDAY, *Oct.* 14, 1859.

CUTHBERT, JAMES, Broker, Ware. Oct. 11.

MEETINGS FOR PROOF OF DEBTS.

TUESDAY, *Oct.* 11, 1859.

BIBBS, HERBERT, Grocer, Sheffield. Oct. 22, at 10; Sheffield.

BRIGGS, ALFRED, Builder, Sheffield. Oct. 22, at 10; Sheffield.

CANE, JAMES, Boot and Shoe Maker, Chesterfield. Oct. 22, at 10; Sheffield.

EASTWOOD, WILLIAM, Joiner and Builder, Fairfield, near Liverpool. Oct. 24, at 11; Liverpool.

MOGILL, JAMES, Builder, 15 Great Coram-st., Brunswick-sq., Middlesex. Nov. 5, at 11; Basinghall-st.

MOSS, FANNY, Milliner, Mansfield. Oct. 22, at 10; Sheffield.

PARKER, JOHN DOBBY LEE, Teacher of Music, Sheffield. Oct. 22, at 10; Sheffield.

PARSONS, JAMES CHARLES, Publican, Bermuda. Oct. 24, at 11; Liverpool.

PRESTON, THOMAS, Corn Broker, Liverpool. Oct. 24, at 11; Liverpool.

SCHLOSSER, CHARLES, Merchant, 43 Moorgate-st., London. Oct. 21, at 1; Basinghall-st.

SIDDONS, JAMES, Grocer, Sheffield. Oct. 22, at 10; Sheffield.

SMART, HENRY, Dealer in Pictures, 10 Tichborne-st., Haymarket. Oct. 27, at 11; Basinghall-st.

SMITH, HENRY, & HENRY MILLS, Newspaper Proprietors, Chester. Oct. 20, at 11; Liverpool.

SNOOK, EDMUND, Pork Butcher, 5 Southgate-st., Bath. Nov. 10, at 11; Bristol.

STOKES, JOHN CHARLES, & JOHN SAWYER, Tool Manufacturers, Sheffield. Oct. 22, at 10; Sheffield.

WARNER, JOSEPH SONS, Merchant, Sheffield. Oct. 21, at 10; Sheffield.

FRIDAY, *Oct.* 14, 1859.

BECKETT, JONATHAN, Licensed Victualler, Aylesbury. Oct. 27, at 11.30; Basinghall-st.

CARTER, THOMAS, Grocer, Woburn, Bedfordshire. Oct. 27, at 11; Basinghall-st.

CASTLE, JOHN LEE, Linen Draper, Moreton-in-the-Marsh. Nov. 3, at 11; Bristol.

FAULKNER, JOSEPH, Baker & Flour Dealer, Liverpool. Oct. 27, at 11; Liverpool.

GOLDORNE, THOMAS BOYDELL, & ARTHUR ACHESON DOBBS, Wine Merchants, Liverpool. Nov. 10, at 11; Liverpool.

HEDGCOCK, THOMAS, Painter, 22 Bridge-st., St. Helen's, Lancashire. Nov. 1, at 21; Liverpool.

HOME, THOMAS WILLIAMS, Hotel Keeper, late of 4 Albemarle-st., Piccadilly, and now of 20 Pelham-ter., Brompton. Oct. 26, at 12; Basinghall-st.

LACE, JOSHUA FLETCHER (Birkenhead) & LEONARD ADDISON (Chester), Printers and Stationers, Liverpool. Oct. 31, at 11; Liverpool.

LEVINGSTON, JAMES, Merchant and Cotton Dealer, Liverpool; Oct. 27, at 11; Liverpool.

MORGAN, SAMUEL WHITFIELD, Stock and Share Broker, 38 Throgmorton-st. Oct. 27, at 12; Basinghall-st.

NEWTON, JOHN, Cordage Manufacturer, Northwich, Cheshire. Oct. 27, at 11; Liverpool.

NORRIS, WILLIAM, & JANE NORRIS, Ship & Anchor Smiths, Liverpool. Nov. 1, at 11; Liverpool.

POWELL, JAMES, Draper, 13 Middle-row, Knightsbridge. Oct. 27, at 12; Basinghall-st.

SLEDGE, JAMES WINDSOR, Builder & Contractor, North-street, Strood. Oct. 27, at 11; Basinghall-st.

SHARP, JAMES, Apothecary, 21 Grosvenor-st. West, Eaton-square. Oct. 27, at 12; Basinghall-st.

TURNER, JOHN, Brewer, Chester. Nov. 1, at 11; Liverpool.

WILLIAM, HUGH, Builder, Birkenhead. Nov. 10, at 11; Liverpool.

WINSTANLEY, JOHN, CHARLES HOUGHTON, & GEORGE HAPER HARVEY, Comb Manufacturers, Liverpool. Oct. 24, at 12; Liverpool.

CERTIFICATES.

To be ALLOWED, *unless Notice be given, and Cause shown on Day of Meeting.*

TUESDAY, *Oct.* 11, 1859.

LINDOP, WILLIAM, Brush Manufacturer, Newcastle-under-Lyme, Staffordshire. Nov. 7, at 11.30; Birmingham.

MARSH, SAMUEL, Lace Manufacturer, Nottingham. Nov. 8, at 11.30; Nottingham.

MERSON, JOHN, & THOMAS BRECK INGHAM, Glass Manufacturers, St. Helens, Lancaster. Nov. 1, at 11; Liverpool.

TAPLEY, FREDERICK, Draper, Abour-ter., Commercial-rd. East. Nov. 1, at 1.30; Basinghall-st.

FRIDAY, *Oct.* 14, 1859.

DEAM, ROBERT, Plumber, 261 & 264 Park-rd., Liverpool. Nov. 4, at 1; Liverpool.

EVANS, GEORGE MONTAGUE, Money Scrivener, late of Farnham, Surrey, now at Boulogne. Nov. 7, at 12; Basinghall-st.

To be DELIVERED, *unless* APPEAL *be duly entered.*

TUESDAY, *Oct.* 11, 1859.

BRENTNALL, GEORGE HENRY, Coal Merchant, Watford, Hertfordshire. Oct. 4, 2nd class; subject to suspension of 6 months.

GINGOLD, MORRITZ, Merchant, Manchester. Oct. 3, 2nd class.

SATCHWELL, THOMAS, Grocer, Mortimer, Berks. Oct. 5, 2nd class; subject to suspension of 12 months.

WALKER, JOHN, Auctioneer, Appraiser, & Licensed Victualler, 15 Southampton-st., Holborn, & Walham-green. Oct. 5, 2nd class.

FRIDAY, *Oct.* 14, 1859.

CHAPMAN, WILLIAM CHARLES, & WILLIAM HENRY LITTLEPAGE, Coopers, 15 Harp-lane, and 60 & 61 Bermondsey-st. Oct. 4, 2nd class.

EASTWOOD, WILLIAM, Builder, Fairfield, Liverpool. Oct. 11, 2nd class.

JONES, JOHN WILSON, Commission Merchant, Liverpool. Oct. 17, 2nd class.

THOMAS, EBED MELECH, Shipsmith, Liverpool. Oct. 6, 2nd class.

Scotch Sequestrations.

TUESDAY, *Oct.* 11, 1859.

DUNLOP, JAMES, Wine and Spirit Merchant, Glasgow. Oct. 18, at 12; Faculty-hall, Glasgow. *Seq.* Sept. 20.

M'KILLOP, DANIEL, Baker, Glasgow. Oct. 14, at 1; Tontine-hotel, Glasgow. *Seq.* Oct. 6.

NEWLANDS, ALEXANDER, Flesher, Rothes, Elgin. Oct. 21, at 1; Gordon Arms-hotel, Elgin. *Seq.* Oct. 7.

M'FARLANE, JOHN, Grocer and Provision Merchant, Dumbarton. Oct. 18, at 1; Elephant-inn, Dumbarton. *Seq.* Oct. 6.

FRIDAY, *Oct.* 14, 1859.

BAGGALEY, WILLIAM HOPKIN, Merchant, Glasgow. Oct. 25, at 12; Faculty-hall, Glasgow. *Seq.* Oct. 11.

MASSHALL, ROBERT, Wine and Spirit Merchant, Leven-street, Edinburgh. Oct. 20, at 2; Crown-hotel, Edinburgh. *Seq.* Oct. 11.

MARSHALL, WILLIAM, Accountant, Paisley, Oct. 20, at 2; Saracen's Head-hotel, Paisley. *Seq.* Oct. 11.

MARSHALL, WILLIAM, jun., Waterbrae, Paisley. Oct. 20, at 2.30; Saracen's Head-hotel, Paisley. *Seq.* Oct. 11.

THOMSON, ANDREW, Ship Master, Saltcoats (dec.) Oct. 19, at 1; George-hotel, Kilmarnock. *Seq.* Oct. 8.

VIVES, PETER FRANCIS ADRIAN VANDER, Merchant, late of 17 Fish-street-hill, London, and now of 3 Pollock-st., near Glasgow. Oct. 18, at 10; Rose and Thistle-hotel, Paisley. *Seq.* Oct. 10.

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THE SOLICITORS' JOURNAL.

LONDON, OCTOBER 22, 1859.

CURRENT TOPICS.

The labours of the National Association were brought to a close on Saturday afternoon by votes of thanks to the promoters for their zealous services in the cause of Social Science. The number of tickets sold were—members, 397; associates, 645; transferable tickets, 324; making a total of 1,366 tickets. The number of papers read in the Jurisprudence Department were twenty-two, and were very important in their nature. The meetings in this department were not so numerously attended as could be desired, nevertheless the papers were well discussed by gentlemen of undoubted standing in the profession. The Right Hon. Joseph Napier, and T. S. Daniel, Esq., Q.C., who presided respectively during the latter part of the meetings, were indefatigable in their exertions to give every paper a thorough discussion. The latter gentleman attended in this section unremittingly the whole of the week, assisted by Mr. T. Chambers, the Common Serjeant, Mr. E. Webster, Mr. T. Webster, Mr. J. T. Danson, Mr. H. F. Bristowe, Mr. J. Smale, Mr. Fry, Mr. J. N. Higgins, Mr. J. Campbell Smith, Advocate, Mr. W. S. Cookson, Mr. A. Ryland, and other gentlemen belonging to the profession. In this brief notice of the meeting we must not omit to mention the untiring zeal with which every president of the departments and their secretaries went about their work. Independently of the day meetings, there were evening meetings of various kinds, at which their presence was indispensable. Perhaps the hardest worked of all was the noble President of the Council, who was taxed almost beyond even his unusual powers. At his post, and nothing daunted, he persevered to give the meeting the full benefit of his attendance. Few men at Lord Brougham's time of life have had their mental energies taxed so greatly in one week as his Lordship's were at the late Social Science meeting at Bradford. He was incessantly toiling in one place or the other from morning till night. On one occasion he went to Sheffield in the morning and delivered several speeches, and in the evening returned to Bradford to address the working men's meeting. Even at the wind up of the week on Saturday, he spoke for a considerable length of time to a numerous audience at the Mechanics' Institute, Halifax. It is truly wonderful what vigour and energy of mind he imparts to everything he undertakes. The same noble and sublime thoughts and startling flashes of eloquence which characterised him in his younger days have not departed, and when you see him now you do not merely see a man of previous greatness subdued by age, or infirmities consequent thereon, but you witness still that majesty of thought and speech which is the true indication of a mind unsullied by time and unimpaired by a life of exertion. His Lordship might truly call himself a working man when he has overcome such gigantic labours, and accomplished so much good by means of habits of industry and perseverance. In his speech at the working men's meeting, he said:—

> I never consider any one hour or minute my own, or consider myself entitled to relaxation, even in the way of instruction—out of the line of the profession I follow—till my day's work is honestly and entirely done. I have been a working man all my life, and what is more, I have all my life lived upon wages. Yes, it so happens that I have never spent one halfpenny of any little property I enjoy, or of any sum that might have come to me; I have always lived by the sweat of my brow.

This is a great deal for a man to say who possesses both wealth and rank, the reward of a life well spent.

His Lordship was well received, and was vociferously applauded in all his speeches. We understand the Association will meet next year at Glasgow. Let us hope the noble President of the Council may long be spared to join this annual congress.

The Metropolitan and Provincial Law Association will hold its annual meeting this year in London, on Wednesday, Thursday, and Friday, the 26th, 27th, and 28th inst. From the great interest which has hitherto attended the gatherings of the Association, and the numerous communications received by the Managing Committee on the subject, there is no doubt that the coming meeting will be attended by a very large and influential body of provincial members, and will prove deeply interesting and useful to the entire profession.

The Association will meet for the purpose of reading papers, and transacting its ordinary business, in the Council Room of the Incorporated Law Society, which has been liberally placed at the disposal of the committee.

The business will commence by an address by J. Beaumont, Esq., the chairman of the Managing Committee, after which papers will be read upon a great variety of topics, embracing, amongst others, papers on Land Registry, Legal Education, the true basis of Professional Union, the Trustees Relief Act, the principles and practice of the newly opened Court of Admiralty, the Abolition of Oaths, Imprisonment by County Court Judges, and the Local Courts of the City of London.

At the conclusion of the first day's business a dinner at the London Tavern, at which the Right Hon. D. W. Wire, the Lord Mayor, will preside, will be given by the town members to their country guests; and on Thursday evening, there will be a soirée at the Rooms of the Incorporated Law Society, the use of which has been generously given by the Council for the occasion.

Arrangements have also been made for devoting such time as can be spared to visiting a number of objects of unusual interest, such as the valuable galleries of paintings at Apsley House and Bridgwater House, which have been generously thrown open by their noble owners; the Galleries of Portraits belonging to the Royal Society; the Flaxman Gallery at University College; the Literary and Historic Curiosities possessed by the Corporation of the City of London, at the Guildhall Library, which include a conveyance executed by Shakspere; the Crypt beneath the Guildhall, the honours of which will be done by Mr. Deputy Lott, F.S.A.

The arrangements for the third day will also include a visit to the Mansion-house, when the visitors will be able to appreciate both the magnificence and hospitality for which the city is so famous.

From all that we have heard, we entertain great expectations of the forthcoming reunion, and we have no doubt that the metropolitan members of the Association

will put forth every exertion in their power to make a suitable return to their provincial brethren for the splendid and most cordial hospitality which was accorded to the Association, at its meetings during the last four years in Birmingham, Liverpool, Manchester, and Bristol.

We have further the pleasure of announcing that the meetings will be open to the entire profession, including articled clerks, who will obtain admission on sending in their names to the secretary. We trust this graceful recognition of the claims of candidates for the profession will meet with a hearty response from our young friends, and that they will largely avail themselves of the privilege of attending.

Great credit is due to the Lord Mayor, who is a member of the Managing Committee, for the zealous co-operation which he has given, notwithstanding his delicate state of health, in making preparations for the reception and entertainment of provincial members during their visit to London.

THE METROPOLITAN AND PROVINCIAL LAW ASSOCIATION.

Elsewhere in our columns will be found the programme of the approaching annual meeting of this Association. The metropolitan members have long been desirous of receiving their provincial brethren in the metropolis, and of offering them some return for what they have done in the last four years at Birmingham, Liverpool, Manchester, and Bristol; and the fact of one of the London committee this year filling the high office of Lord Mayor of London, afforded too favourable an opportunity to be allowed to pass unused. The ready assent and cooperation of his Lordship left nothing further to be desired, and accordingly, the meeting will come off next week, under circumstances calculated to give it peculiar eclat. Many of the most eminent members of the profession in London have heartily joined in the preparations which have been making for the reception of their brethren from the provinces, of whom we are happy to hear that a considerable number have already signified their intention of attending the meeting. If it should only prove as successful as any of the meetings of the last four years, either in the number or social rank of those who attend, or in the character of its papers and discussions, the Association will have abundant reason to congratulate itself. It has already in many respects accomplished more than its promoters could have anticipated. It has done much towards raising the profession not less in itself, than in public estimation. The periodical assembling together, in our great provincial towns, or in London, of the elite of the solicitors of England, many of them men of great learning, as well as of wealth and high social position, for the consideration of questions relating to the welfare not only of solicitors, but of the public at large, has not been without its effect on the entire community. Nothing has hitherto been so effectual in proving the complete identity of interest between the public and the legal profession, in the amendment of the law, and the abolition of useless and cumbrous modes of judicial procedure. The remarkable literary excellence of many of the papers read, and the tone of thought which characterised the discussions, have not failed to suggest to the most casual observers the great and general advance which has been made of recent years in the standard of our professional education; while the earnest desire indicated for still further advancement, and the broad and patriotic views relative to proposed Parliamentary measures which have generally been advocated, have commended the Association to all right thinking men, and have gone a great way towards dispelling the prejudices against lawyers which, until lately, appeared to be inveterate in this country. In this respect, if nothing more had been done than to call forth such addresses as those of Mr. Cookson, at Manchester, and Mr. Ryland, at Bristol, the Association has not existed in vain; but it may fearlessly challenge the most critical examination of its Transactions, either in regard of the literary merits of its published contributions, or of their general scope and tendency. No one can have read these Transactions without being convinced of the hopelessness of extensive and really useful changes in the law without the assistance of practical and experienced lawyers, and, at the same time, of the willingness of a number of the most respected men amongst this class in England to give the public the benefit of their aid, to initiate and carry out, as far as possible, amendments in our jurisprudence and legal practice. We think, therefore, that the Association has earned the gratitude of every member of our branch of the profession for the benefit thus indirectly conferred upon it by the higher estimation in which, owing to the exertions of this society, lawyers, as a body, are now held by the English public.

The advantage thus gained, however, is purely incidental to the Association. To earn the respect and esteem of the public generally would, of itself, be a high and worthy object of such a body. But it was originally instituted for other and more specific ends. The better and more economical administration of the law not only tends to dissipate existing prejudices against lawyers as a class, but also conduces to the interests of their own clients, and therefore of themselves. Many of the most irksome impediments to suitors in our Courts of Law and Equity are not less irksome and injurious to their legal advisers. The solicitor, therefore, has no less than the suitor a personal interest in trying to remove them, and to introduce what Jeremy Bentham fitly called a rational system of procedure before our judicial tribunals. The solicitors of England, moreover, as a class, have certain rights to maintain, and certain duties relative to their order which they should not fail to perform. Until the Metropolitan and Provincial Law Association came into existence, there were no means open to the London and country solicitors in common to enable them to render to the public and to themselves the services of which they have since shown themselves capable. It was called into being, not by the voice of a faction or a clique, but of a very large number of persons, many of them the most eminent and public-spirited amongst our ranks, who felt its want. The same duties, and the same necessity to defend their rights, still remain to the entire body of lawyers; while there is now greater reason than ever for a good understanding and cordial cooperation between practioners in London and those in the country. Neither have anything to fear, while both have much good to expect from such meetings as those which have hitherto taken place. The cordial unanimity, and at the same time, the candour and manliness which characterised the proceedings of last year will, we have no doubt, influence the deliberations of the forthcoming meeting. There will be abundant work to do; and work, too, which will require no little patience and self-denial on the part of those who actively engage in it. The question of a registration of titles to land, which was so ably discussed on both sides, by solicitors of great practical experience, in the Jurisprudence section at Bradford, occupies the first place in point of importance. It will tax all the powers of those who advocate Sir Hugh Cairns' scheme of registration, to answer the objections which Mr. Percival Bunting, of Manchester, and Mr. Hadfield, M.P., of Sheffield, urged against it a few days ago, at the Social Science Conference; and whatever may be the final results of the vehement discussion which this subject has received for many years past, no one can deny the incalculable value of the scrutiny which the various proposed plans have undergone at the hands of practical lawyers, such as the gentlemen whose names we have just mentioned. On this, and also on the subject of the present state of the bankruptcy laws, we anticipate some valuable contributions to our existing stock of infor-

mation; and the decisions arrived at by the Association cannot but materially influence any legislation on either of those questions, which may take place in the ensuing session of Parliament.

We can only add the expression of our hope that as many of our provincial friends as can will be present at the meeting on Wednesday. We promise them, on behalf of the Association at large, instruction and pleasure, and on behalf of the metropolitan members, a hearty and hospitable reception.

SOLICITORS' BENEVOLENT ASSOCIATION.

In order to take advantage of the presence in London of the large number of provincial members of the profession, who will be attending the annual meeting of the Metropolitan and Provincial Law Association, the directors of the Benevolent Society have considered it expedient to hold their ensuing meeting in London instead of the country. It will take place at the Law Institution, on Thursday next, when the half-yearly report of the directors will be submitted to the society, and it will be called upon to appoint directors and auditors for the ensuing year. The society has not yet been quite two years in existence, but it has hitherto met with considerable support, and now numbers among its subscribers and donors many of the best known names in the profession. There are already 618 members enrolled, and doubtless many more will be added to the list during the coming week. The names of the Trustees and of the Board of Directors are the best guarantee that could be given for the faithful administration of the funds committed to their trust; and the objects of the Association are such as must sooner or later meet the approbation and support of the great majority of those to whom it addresses itself.

The Association has been established to provide the profession with one general institution, in which the entire body of attorneys, solicitors, and proctors, throughout England and Wales, may unite for the following objects:—

To relieve necessitous members who, through inevitable calamity or mental or bodily infirmity, may be disqualified from pursuing their profession.

To assist in giving support to the widow and children of such members as may die in necessitous circumstances.

In special cases (should the funds of the Association permit it) to give relief to the widows and families of non-members.

The Report of July last justly observes that—

The practitioners of the law have hitherto had no general medium, by means of which they might relieve the distresses of their less fortunate brethren of the profession, and at the same time, make a provision for themselves and their families, against similar visitations of adversity; and yet, amongst them, as amongst all professional men, whose incomes are, for the most part, dependent upon their own health and industry, there must always be some, who, however prudent and hopeful they may be at the outset of their career, are fated to be assailed, at some period, by those trials and vicissitudes which attend upon failing health or other untoward circumstances.

Partial schemes for this purpose have been in existence for many years, but limited in their operation to certain localities; and until the formation of this Association, the profession, as a body, had no benevolent institution of a comprehensive character. The establishment of one was, therefore, an obvious necessity, and the Solicitors' Benevolent Association accordingly puts forth its claim to general and earnest support. Up to the present time, its progress has been encouraging, and characterised by a steadiness which augurs well for the future; and the directors in submitting this report, congratulate the members on the cordial co-operation which has been rendered by a large number of their professional brethren, in promoting the prosperity of the undertaking.

It also informs us that—

The total number of practitioners then enrolled as subscribers to the Association is 405; of whom 277 are resident in the provinces, and 128 in London; 195 are life, and 210 are annual members; 7 of the life members are contributors also to the annual funds of the institution.

Every member of the Incorporated Law Society, or of the Metropolitan and Provincial Law Association, or of any local law society in England or Wales, is eligible to become a member of this Association on his own application; and every other practitioner desirous to become so, is eligible upon recommendation by two members. We may add that a payment of 10*l.* 10*s.* constitutes a life member. A payment of 1*l.* 1*s.*, as an admission fee, with an annual payment of 1*l.* 1*s.*, constitutes an annual member, and in both cases, payment precedes complete membership.

If anything that we might say in support of this most useful and benevolent society could be of advantage to it, we should be most ready to advocate its cause at greater length. But we think that it needs no extraneous advocacy, as it recommends itself not only by the objects which it seeks to accomplish, but by the character of those who have been identified with its foundation, and are now engaged in directing its operations.

CONDITIONS OF SALE.

We have received from a correspondent certain Particulars and Conditions on the attempted sale of an estate by auction in Lincolnshire, which are certainly of a very extraordinary character; and we are not surprised, therefore, that, under the circumstances, the vendor was unsuccessful in effecting a sale. The conditions are unusually long, but it is only necessary to refer to two of them—the 4th and 5th. The 4th, after requiring the purchaser to assume that a testator had died seised in fee, and that the estate was comprised in the general devise contained in his will, provides as follows:—"The vendors will furnish a statutory declaration lately made by a person who occupied the property in, and subsequently to, the year 1829, and has constantly, with the exception of an interval of three years, resided in the neighbourhood since then, and whose father occupied the property for many years previously to the year 1829, and who and whose father were acquainted with J. H. in and previously to the year 1829, *as to his belief* that the said J. H. *had never been married when the declarant last saw him; that he did not marry afterwards; that in all probability* he died shortly after the declarant last saw him—viz. in the year 1829; and certainly, according to the declarant's belief, before the year 1852. The purchaser shall be bound to *assume, without any further evidence or inquiry*, that the said J. H. died before the year 1852; that he had never been married, and that he died intestate; and the circumstance of his having executed certain deeds in *May*, 1830, *shall not be deemed* inconsistent with the fact, or presumed fact, of his having died shortly after the time when the aforesaid declarant last saw him." The condition then requires the purchaser to assume, without any evidence or inquiry, that all legacies given or charges created by any will affecting the property before the year 1843 have been paid and satisfied, and that no evidence of identity of the parties, or explanation of any discrepancy, shall be required. It will be observed by the above how very loose the declaration as to the fact of J. H. having died a bachelor and intestate is. The purchaser is to assume that he died shortly after the year 1829, although he is stated to have executed certain deeds in 1830. Then, by the 5th condition, it is provided that "the purchaser shall *be bound to assume that certain* deeds, wills, and documents in the abstract, *which purport to relate* to" certain portions of the property named in the condition, "relate to the whole, or, as the case may be, to an undivided share or undivided shares of the whole of the *property described in the Particulars*, notwithstanding that the *quantity of land* to which such deeds do respectively relate may appear to be *considerably smaller* than that stated in the Particulars of Sale." Here, again, it will be observed that it is to be assumed that certain deeds which are represented to relate to only a portion, are to be taken as including the whole of the property contained in the Particulars of Sale. As we have already stated, there was no sale. Our readers will

hardly be surprised that such was the result, upon reading the extract from the Conditions of Sale which we have given. Both Lord St. Leonards and Mr. Darit, in their respective books relating to vendors and purchasers, condemn the practice of selling estates, subject to stringent conditions, particularly in reference to sales by fiduciary owners, and the Court of Chancery views conditions negativing a purchaser's right to the usual and reasonable evidences of title with great jealousy; certainly no one would be advised to have recourse to them unless under very extraordinary and peculiar circumstances, which may possibly have been the reason why the vendor's solicitor in the present instance may have deemed it proper to fetter the sale of the estate by such conditions.

The Courts, Appointments, Vacancies, &c.

GUILDHALL.

Mr. David Hughes, the bankrupt solicitor, who has been several times examined relative to various charges of frauds alleged to have been perpetrated upon his clients and others, was again placed at the bar before Alderman Lawrence, when the following fresh evidence in support of the general charges was adduced.

Upon the first hearing of this important case, it was stated that the bankrupt's defalcations amounted to the extraordinary sum of from £187,000 to £200,000, and that the assets consisted of various descriptions of property, which was mortgaged in many instances to several persons, so that there were two and three claimants for the same property. On the other hand, it was alleged that there was property, if fully realised, sufficient to pay every creditor Three charges, one of non-surrender after being adjudged a bankrupt, one of obtaining £1,000 under false pretences, and another of fraudulently misappropriating 1,000, under the Fraudulent Trustees Act, have already been completed.

Mr. *Poland*, who appeared for the prosecution, said, I propose now, sir, to place before you evidence in support of a charge which will disclose an entirely new class of fraud. It appears that in April, 1855, the bankrupt mortgaged to Mr. W. Hunt, five houses at Maryland-point, Stratford, leased for a term of 99 years, some leasehold property in Newman-street, Oxford-street, for a similar term, and two sums of stock, of £300 and £290, to secure to him £1,000 and 5 per cent. interest, the amount of money advanced by Mr. Hunt to the bankrupt. One of those sums of stock had, however, been previously received by the bankrupt; Elizabeth Dain, the person having the life interest in that stock, having died a few months before the date of the mortgage deed which was handed over to Mr. Hunt. But the real title deeds to the property mortgaged were improperly retained by the bankrupt in his own possession, instead of being given to Mr. Hunt. In the September following, in the same year, the bankrupt sold the five houses at Maryland-point to a Mr. Elmes for £675, but before completing the purchase Mr. Elmes' solicitor forwarded certain requisitions with regard to the title to the property to the bankrupt, who answered them satisfactorily, stating, in reply to the inquiry as to whether there was any incumbrance upon the property or any bankruptcy or insolvency affecting it, that there was none that he was aware of. Upon this Mr. Heath advised his client, Mr. Elmes, to complete the purchase, which was accordingly done, and the property was formally conveyed to him by deed dated the 18th of October, 1855. The property so conveyed remained in the possession of Mr. Elmes, who had laid out large sums of money in building upon and otherwise improving it, until the bankrupt fled to Australia in July, 1858, when Mr. Hunt, on looking among his securities, could not find the title deeds to the property in question. This gave rise to further inquiry, and the result was that Mr. Elmes received notice that although he was in possession of the property it had been previously mortgaged to Mr. Hunt, who now claims it. To prevent the fraud being discovered the bankrupt had arranged that Mr. Hunt should regularly receive the interest upon his money, so that there was no fear of his making any inquiry about the property, and, as Mr. Elmes had possession of it, of course he was also satisfied. One can hardly conceive a clearer case of fraud than this, for at the very time he declared there was no incumbrance on the property he very well knew that he had already mortgaged it to Mr. Hunt. It is a case of obtaining money under false pretences, which, when the evidence is complete, I feel assured you will send with the others for further investigation elsewhere.

Mr. Heath, solicitor to Mr. Elmes, said:—Mr. Elmes contracted with the bankrupt, in September, 1855, for the purchase of five houses at Maryland-point, Stratford, for £675. I sent some requisitions as to the title, which the bankrupt answered by stating there was no incumbrance upon the property that he was aware of. The requisitions were answered, upon the whole, in a very satisfactory manner, and the purchase was thereupon concluded. That was on the 18th of October, 1855, and when the money, which was paid in my presence, was handed over to the clerk, I received the deed of conveyance and the title deeds to the property, but I was not aware that there was any incumbrance upon it at the time, or I should not have allowed Mr. Elmes to complete the purchase, unless, indeed, Mr. Hunt's mortgage had been discharged. I do not know the bankrupt's handwriting. I never saw him until to-day.

W. Haynes, the bankrupt's clerk, identified the handwriting and signature of the bankrupt in the answer to the requisitions, and also in the receipt for the purchase-money endorsed upon the back of the deed. The ninth requisition is, "Are there any incumbrances upon this property?" and the answer is, "I am not aware of any." That answer is in the handwriting of Richards, the conveyancing clerk, to whom this business was entrusted.

J. R. Mellowes, cashier to the bankrupt, proved the entry in the cash-book of the receipt of the purchase-money in question on the 18th of October, 1855, in respect of the Stratford property.

Mr. W. James Elmes said:—I carry on business as a cheesemonger in Three Colt-street, Limehouse. I agreed to purchase some property at Maryland-point, Stratford, of the bankrupt, in September, 1855. I paid £100 deposit at that time, and in the following month I called with Mr. Heath at the bankrupt's office, where the deed of conveyance was executed, and I handed over the balance of the purchase-money, and received the title deeds to the property. I did not discover that the property had been previously mortgaged until after the bankrupt's flight, when I received notice of it from Mr. Nelson, Mr. Hunt's solicitor. After the property came into my possession I expended upon it about £1,400.

Cross-examined.—I am not the prosecutor in this particular case.

Mr. W. Hunt said:—I carry on business as a draper at Shoreditch. The bankrupt was my solicitor, and in April, 1855, he had in his possession £1,000 belonging to me, and he sent me a parcel of deeds as security, among which was a mortgage including the five houses at Maryland-point, some leasehold property in Newman-street, Oxford-street, and two sums of stock. But I have since heard that one of those sums had been previously received by the bankrupt, and that he subsequently sold the house at Stratford to Mr. Elmes.

Cross-examined.—I claim the houses at Maryland-point, but I do not believe that my £1,000 is amply secured by the securities I have in my possession.

Mr. Thomas James Nelson, solicitor to the assignees, said:—I am also solicitor to Mr. Hunt. He gave me the packets of deeds produced, but I did not find among them the title deeds to the Stratford property. The five houses at Maryland-point which were sold to Mr. Elmes are the same which were mortgaged to Mr. Hunt. If Mr. Elmes establishes his claim, Mr. Hunt will only have the one security of one of the sums of stock, the other having been received by the bankrupt in 1854, and the lease of the property in Newman-street being about to expire on Lady-day next, the covenant to renew having been neglected.

Cross-examined.—Mr. Hunt has filed a bill in Chancery against Mr. Elmes to compel him to give up the property, and in the mean time they are jointly prosecuting the bankrupt in this matter.

Evidence was then given with regard to the payment to the bankrupt of about £1,400, the securities for which he had, with others, deposited with Mr. Neeve for an advance of £4,000; after which the inquiry was again adjourned for a week.

THE COMMON COUNCIL.

At a meeting of the Council on Thursday, Mr. H. Wellington Vallance moved the following resolutions concerning the Sheriffs' Court, which were agreed to:—

"That it be referred to the Law, Parliamentary, and City Courts Committee, or to the Officers and Clerks Committee, to ascertain and report to this Court whether any and what

changes and improvements are necessary or desirable, and can be effected, in the jurisdiction, process, procedure, and scale of fees of the Sheriffs' Court, and if so, in what manner and at what cost."

"That it be referred to the committee for settling the city's lands to ascertain and report to this Court whether any and what alterations or improvements are necessary or desirable, and can be made in the court-house and offices of the Sheriffs' Court, and if any such alterations or improvements are necessary or desirable, at what time, in what way, and at what expense they can be effected." ———

DISTRESSING SUICIDE OF A SOLICITOR.—On Friday afternoon, the 7th inst., a lengthened investigation was held at the vestry-room of St. Martin's-in-the-Fields, before Mr. Bedford, touching the death of Mr. Angell, a solicitor of many years standing, who committed self-destruction at his chambers, No. 20, John-street, Adelphi, on Monday last. Mr. H. Joseph Adcock, attorney, of No. 3, Copthall-buildings, Throgmorton-street, identified the body, having known Mr. Angell for many years. Deceased was 57 years of age, and was a solicitor. Mr. William Jones, surgeon, of No. 51, Strand, said he had attended deceased professionally for about two years. He attended him for congestion of the brain, and during that time he had had two attacks of apoplexy, followed by slight paralysis. Deceased was in a desponding state of mind, and witness was not surprised at what had taken place. Mrs. Herbert, the landlady of the house in which deceased had chambers, said he had been unwell for some time. She last saw him alive on Sunday afternoon, when he went out with a gentleman at about five o'clock. On the Monday he did not ring as usual for his shaving water, and at half-past two o'clock she went into his room, where she found him standing (as she thought) in the middle with a handkerchief tied over his face and neck. She thought he must be out of his mind, and went for some of his relatives, but when she returned later in the afternoon and went into the room, it was found that deceased was suspended from the ceiling, and had been dead some hours. Several other witnesses were examined, and it appeared from their evidence that deceased was suspended from the centre ornament in the ceiling by a rope which was secured to a hook. He had been suspended evidently for above twelve hours. Mr. Charles Groom, conveyancer and equity draftsman, of 25, Old-square, Lincoln's-inn, said, he had known deceased intimately for above thirty years. For some years deceased had been very desponding, and appeared broken-hearted about his health and his worldly affairs. He was not at all surprised at the lamentable result. The jury returned a verdict that the deceased committed self-destruction while in a state of temporary insanity.

MELANCHOLY DEATH OF A SOLICITOR.—On Friday, the 7th inst., Mr. Wakley held an inquest on the body of Mr. Henry Bedford, aged sixty-one, solicitor, of 47, Upper Albany-street, Regent's-park, at the Prince George of Cumberland, in that street. On Sunday evening he called upon his brother in a cab, and appeared very ill. He went home, and about nine o'clock he died. It was proved that deceased had long suffered from difficulty of breathing, and Mr. Jakins, surgeon, of Osnaburgh-street, who was called in, said, he found that death had resulted from a long-standing aneurism of the aorta. The jury returned a verdict in accordance with the medical evidence.

VERDICTS OF "FOUND DEAD."—A few practical illustrations are often more effective than much close reasoning or eloquent exposition unaccompanied by examples. It is almost a platitude to say that the security of the subject which is afforded by the inquest jury cannot be too highly prized. The inquiry before a coroner involves legally no imputation against any person, while it affords a protection against the baseless suspicion often excited by a sudden death. On the other hand, a rigid inquiry made by a competent medical officer into the pathological appearances in cases of sudden death not duly certified affords the most secure guarantee against infanticide, and secret and other kinds of poisoning. The report of Mr. J. Liddle, the sanitary officer of the Whitechapel Board of Works, dwells upon the importance of more frequent post-mortem investigations, and more settled rules for the holding of inquests; and quotes some particular cases in point. Inquests were holden on four cases in which death was supposed to have been caused by drowning. In two of these instances the verdict was "Found dead in the river, without marks;" in another instance a man was found dead in a bath in the Goulston-square Baths, when the verdict recorded was "Found dead from drowning." In not one of these instances does it appear that a post-mortem examination was made, and the verdict of the jury throws no more light upon the cause of death than had been previously obtained by the constable, or beadle, or police officer, who gave information of the death to the coroner. The body was found dead, and the public acquired no further information from the deliberation and verdict of the jury than they possessed before the inquest. "In regard," says Mr. Liddle, "to some of these cases, and particularly that of the man *found dead* in one of the baths in Goulston-square, there is as much reason to believe that death was occasioned by poison or by internal disease as by the cause alleged." Were post-mortem examinations obtained with greater facility such doubts could not arise. Mr. Liddle strongly advocates the institution of such investigation in all and similar cases. Science and justice could only gain by such a system; the objections to it are mainly pecuniary. In such instances as Mr. Liddle mentions, post-mortem examinations are invariably enforced by Mr. Wakley in the western division of Middlesex.—*Lancet.*

ACCIDENT TO MR. SAMUEL WARREN, Q. C.—We regret to hear that Mr. Samuel Warren, who with his family has been spending the recess at Lynton, North Devon, a few weeks ago, fell heavily on the rocks, while stepping into the water to bathe, and received a severe injury to the right shoulder, which was violently wrenched. He is now, however, nearly recovered, and is again able to write, though not without some effort.—*St. James's Chronicle.*

NEW COUNTY COURT JUDGE.—We (*Birmingham Daily Post*) are much gratified in being able to announce, upon reliable authority, that the Lord Chancellor has appointed Mr. Rupert Kettle, of the Oxford Circuit, Judge of the County Court of Worcester, upon the resignation of Mr. Parham, the late judge, who has retired in consequence of impaired health.

UNEXPECTED WINDFALL.—A London solicitor has discovered that in 1790 a legacy of £500 was bequeathed to the Bath hospitals, but that the affairs of the testator were administered under the direction of the Court of Chancery. During the past seventy years the legacy has accumulated to £3,450, which sum is divisible equally between Bellot's, Bath Mineral Water, and Bath United Hospitals, as these three institutions alone come within the wording of the bequest. The solicitor claims ten per cent. of the whole amount for his discovery.—*Cheltenham Examiner.*

TOWN CLERK OF CORK.—Mr. Alexander M'Carthy has resigned the situation of Town Clerk of Cork city. His son is a candidate for the vacancy.

The Lord Chancellor will give a dejeuner at Stratheden House, Knightsbridge, on the 2nd November, being the first day of Michaelmas term, when the noble and learned lord will receive the judges and Queen's counsel.

The Queen was this day pleased to confer the honour of knighthood upon the Right Honourable John Melville, Lord Provost of Edinburgh.

Notes on Recent Decisions in Chancery.

(By MARTIN WARE, Esq., *Barrister-at-Law.*)

CONFLICT OF LAWS.—MARRIAGE.—SCOTCH DIVORCE.

Dolphin v. *Robins*, 7 W. R. 674 (House of Lords).

This case affords another illustration of the difficulties, referred to in our last number, which arise out of the diversities of the laws of marriage in foreign countries. One of the principal peculiarities of the law of Scotland on the subject of marriage, has always been the facility with which a divorce à vinculo matrimonii could be obtained at a time when in England no such sentence could be pronounced without an Act of Parliament. If the rule of lex loci contractus had been strictly applied, so that a marriage contracted in England should have carried with it all the incidents of an English marriage, in whatever country the parties might reside, no difficulty could have arisen, because the contract having been in its inception indissoluble, could not have been destroyed by the sentence of any foreign Court. But the lex loci contractus has never been considered strictly applicable to the marriage contract, and accordingly the Scotch courts have assumed the power of pronouncing a divorce against parties who had been married in England, but had subsequently come within their jurisdiction. The present was a case of appeal from the English Court of Probate, which had admitted to proof a will of a married woman made under a power and dated in 1854. The ground of the appeal was that subsequently to the date of the will the husband and wife, though married in England, had been also

lately divorced by the Court of Council and Session in Scotland, where the husband was then residing, on the ground of adultery, and that the wife had afterwards duly married a Frenchman, according to the law of France, and had made a French will revoking the previous English will.

Under these circumstances several interesting questions arose, some of which were decided by the House of Lords, and others left open. In the first place it appeared that in this case the husband was only temporarily resident in Scotland, although he had lived there a sufficient time to give the Scotch Court jurisdiction. Their Lordships were clearly of opinion that the parties were still domiciled in England, and that whatever might be the law if they had acquired a bonâ fide domicil in Scotland, the Scotch Courts had no power to dissolve an English marriage when the parties had only gone to Scotland for such a time as according to the Scotch law gave the Courts jurisdiction in the matter. "Whether they could dissolve the marriage," said Lord Cranworth, in giving judgment, "if there were a bonâ fide domicil, is a matter upon which I think your Lordships will not be inclined now to pronounce a decided opinion." In this respect the case was very similar to *Lolley's case* (Russ. & R., C. C., 237), in which Lolley having been domiciled and married in England went for a time to Scotland, and while there, was divorced by the Scotch Court at the suit of his wife. Lolley afterwards returned to England, and married a second wife, but was eventually pronounced guilty of bigamy, the divorce of the Scotch Court being held invalid. The House of Lords clearly consider this case of binding authority where no bonâ fide domicil has been obtained.

In the present case, however, it was argued that the Scotch divorce, although powerless as a dissolution of the matrimonial vinculum, operated as a judicial separation, or divorce à mensâ et toro, so as to enable the woman (whether her second marriage was valid or not) to acquire a separate domicil in France independent of her first husband; in which case, it was argued that her French will was a good exercise of the testamentary power which she possessed. This is, in fact, the new point in the case; but the House of Lords decided that the Scotch sentence of divorce had no such effect. It is not, indeed, decided that a woman if divorced à mensâ et toro, or judicially separated by the sentence of the new Divorce and Matrimonial Court, or under other peculiar circumstances, such as the transportation of the husband, or other circumstances that can be conceived, cannot require a separate domicil, on which question no opinion was given; but only that the Scotch sentence of divorce being invalid as a dissolution of the matrimonial vinculum, was invalid to all intents and purposes, and that the wife, whatever grounds she might have for complaint against her husband, on which she might probably have founded a suit in England for judicial separation, was still bound by the domicil of her first husband.

Notes on Recent Cases at Common Law.

(By James Stephen, Esq., *Barrister-at-Law, Editor of "Lush's Common Law Practice," &c., &c.*)

Compromises without the Assent of Client, Law as to.

Chambers v. *Mason*, 5 C. B., N. S., 59.

This case (recently reported at length by Mr. Scott), deserves an attentive perusal, as it deals with the important question how far the Courts will enforce a compromise against the wish of the party to the action, which has been entered into in open court by those professionally engaged for him. The discussion was raised on an application to the Court in which a certain action for an alleged wrongful diversion of water was commenced, to set aside an order of reference made at the trial of the action, and all proceedings thereon, on the ground that the cause was compromised without the consent of or authority of the defendant. Affidavits were filed on each side, from which it appeared free from doubt that the arrangement on which this order was drawn up, was entered into between the counsel and attorneys on each side while the defendant was present in court, and that he expressed no *dissent* therefrom. On the other hand, the defendant swore (and his evidence as to this was supported by the affidavit of his brother, who was also interested in the event of the trial), that he did not understand what was going on; and that he supposed, when the Court rose and the people went out at the conclusion of the discussion as to the compromise, that the trial of the case had only been postponed till the following day; and that as soon as he discovered what had been done, he strongly protested against the arrangement which had been come to, and refused to be bound by it. The Court of Common Pleas, however (and with the full approbation of Mr. Justice Crowder), held that it would be extremely dangerous to set aside an order of reference on any such ground, or by reason of statements made by one of the parties, the truth of which it was almost impossible to ascertain. It is therefore clear law that the presence of the client in court, without expressing any dissent, is conclusive of the fact of his *legal* acquiescence in any arrangement which may be then come to: and this proposition is consistent with the language used by the Master of the Rolls in *Swinfen* v. *Swinfen* (24 Beav. 559), where he said, "Upon the question of acquiescence I go this length—that if a client be present in court and stand by and see his solicitor enter into terms of an agreement, and makes no objection whatever to it, he is not at liberty afterwards to repudiate it."

It is to be remarked that the rule nisi which had been obtained to set aside the order of reference in the present case, was discharged *with costs*, as the Court considered that no blame whatever attached to the plaintiff, or his attorney or counsel, and as they were of opinion that this proceeding was not a proper one for inquiring into the authority of the counsel to make the compromise complained of. The proper remedy for the defendant was an action against his attorney.

It may be useful to state shortly the arguments made use of in *support* of the rule. It was urged that the present case differed from those in which compromises, made at Nisi Prius, had been supported in the full court, though subsequently objected to by one or other of the parties thereto, because, first, the *substantial* rights of the litigant parties were concluded by the arrangement here made: and, secondly, that neither counsel or attorney had any authority (either express or implied) to do as they assumed to do; and that the existence of such authority appeared from the judgment of Sir J. Romilly, in *Swinfen* v. *Swinfen* (as affirmed by the decision of the Lords Justices on appeal), to be essential—the question really resolving itself into one of agency.

18 & 19 Vict. c. 118, s. 2—Selling Refreshments on Sunday to a "Traveller."

Atkinson, Appellant; Sellers, Respondent; 5 C. B., N. S., 442.

This case throws some light on the existing law as to selling beer and other liquors on a Sunday. By 18 & 19 Vict. c. 118, s. 2, it was enacted that it should not be lawful for any licensed victualler, or person licensed to sell beer, to sell between the hours of three and five on the afternoon of any Sunday (and also at other times therein specified), "except to a traveller or a lodger therein"—these words of exception having been substituted for those in the previous provision on the same subject (17 & 18 Vict. c. 79, s. 1), which were, "except as refreshment to a bonâ fide traveller or a lodger therein." The question to be decided in the present case was, what is a "traveller" within the meaning of this enactment; and the Court said that the term itself being an ambiguous one, and there being no explanatory section in the Act itself by which they could be guided, their only resource was to apply their minds to the facts of the case submitted to them. These, in their opinion, did not justify the conviction which had taken place; and they proceeded to lay down the law, more generally, to the effect that if a man went to an inn (as in the present instance) in the course of a journey, whether that journey was one of business or of pleasure, he was entitled to demand refreshment, and the innkeeper was justified in supplying it. On the other hand, they remarked that a man could not be said to be a "traveller" who went to the inn *merely* for the purpose of taking refreshment there.

The present case came before the Court by way of appeal under the recent statute 20 & 21 Vict. c. 43, on a case stated by the convicting justices; and, in accordance with the practice in relation to those appeals of the Queen's Bench and of the Exchequer, the respondent claimed the right to begin. The Court, however, adhered to the practice of all the Courts in county court appeals—and in their own court in appeals under this statute—and allowed the appellant to begin; but intimated an intention of conferring upon the subject with the judges of the other courts; so that a uniform practice may be expected for the future.

A Cautious Witness.—One of the witnesses at the Glasgow Circuit Court on Thursday, when asked if a certain man was married, cautiously answered, "I know him to be living with a woman, whom they call his wife; but for myself, I don't know whether she is his wife or not, as I never saw them married."—*Aberdeen Herald.*

The Law of Attorney or Solicitor and Client.

(By J. Napier Higgins, Esq., *Barrister-at-Law.*)

XIII.

Proceedings before Judicial Tribunals.

(*Continued from page* 925.)

Taxation of costs.—Proceedings before judicial tribunals usually terminate in bills of costs, and although I have not by any means exhausted all that might usefully be treated under the first general head of our subject, it is necessary now to bring it to an end, in order to include what is to follow within reasonable limits. Following the plan which I have hitherto adopted, I shall avoid as much as possible going over ground which has been already occupied. I shall, therefore, in this chapter on taxation of costs, confine myself almost exclusively to the taxation of costs in courts of equity, inasmuch as the whole subject of the law of costs in actions and other proceedings in courts of common law has been already very ably treated by Mr. Gray, in his book on that subject. But, except in the last edition of Mr. Sidney Smith's Chancery Practice, I am not aware where a solicitor may find much information as to the law of costs, and the rules of taxation, in courts of equity; and even there, the necessarily limited space devoted to it in a work on general practice leaves an opportunity for adding something.

The law relating to the taxation of solicitors' bills is now mainly regulated by the statute 6 & 7 Vict. c. 73, an Act for consolidating and amending several of the laws in force relating to attorneys and solicitors practising in England and Wales. In some respects it very materially altered the practice of both courts of common law and equity. The 37th section is the most important for our present purpose. It provides that attorneys and solicitors shall not commence an action for fees, &c., till one month after the delivery of their bills, and that upon the application of *the party chargeable* within such month, in case the business has been transacted in any court of equity, or in bankruptcy or lunacy, or in case no part was transacted in any court of law or equity that the Lord Chancellor or the Master of the Rolls, and in case any part was transacted in any other court, a common law judge, may refer such bill for taxation, and the attorney or solicitor is to be restrained from bringing his action pending such reference; but if no such application has been made, then with a proviso that there shall be no taxation after twelve months from the delivery of the bill, unless *under special circumstances.* As might have been expected, there have been a great many decisions on the question, what are special circumstances which will induce the court to make such an order.

Thus, the order has been made where a petition was presented and answered, although not served within that period; *Sayer* v. *Wagstaffe* (5 Beav. 415); *Barwell* v. *Brooks* (7 Beav. 345).

The Court, however, has generally made the order upon the ground either of pressure or gross overcharge.

Overcharge.—The mere fact of overcharges is not sufficient where the bill has been paid; *Re Stirks* (11 Beav. 304). They must be so heavy as to be evidence of fraud, or be at all events accompanied by circumstances of a fraudulent character; *Re Harding* (10 Beav. 252); *Re Browne* (1De G. M. & G. 322). Or it must appear that a large portion of the business done ought not to have been done; *Re Barrow* (17 Beav. 557). But where an item is objected to, not because the business was not done, or because the charge was excessive, but because the liability to pay is disputed, the Court will not consider it a sufficient ground for taxing a paid bill; *Ex parte Barton* (4 De G. M. & G. 108). In a petition presented on the ground of overcharge, the allegations on this point must be specific, and must amount to evidence of fraud, *Re Browne* (1 De G. M. & G. 322); and items of overcharge must be proved, *Re Abbott* (18 Beav. 393). In that case a mortgagor and her solicitor met the mortgagee's solicitor to complete, when the money was paid in three cheques, one of which was handed to the mortgagor's solicitor, who retained it for his costs. His bill was delivered at the time in a sealed packet, but items of overcharge being afterwards proved, a taxation was directed. In *Re Strother* (5 W. R. 797), the taxation of a solicitor's bill was ordered more than twelve months after its delivery, the bill containing gross overcharges; and the solicitor having represented that the objections to the bill arose from the client's ignorance of parliamentary proceedings, one of the principal items being in direct contravention of the Standing Orders, and there having been no withdrawal of the objection to the bill nor pressure by the solicitor.

Upon a petition for taxation, the solicitor offered to repay the matters of overcharge therein specified. The offer was not accepted. Taxation was ordered treating the specified items of overcharge (upon their repayment by the solicitor) as omitted from the bill; *Re Cattlin*, 2 (23 Beav. 412). But where there has been considerable delay in the payment of the bill (although not a delay of twelve months), without sufficient explanation, the Court is very reluctant to grant taxation as between third parties and a solicitor, although the bill may contain objectionable items. Thus, in *Re Bayley* (18 Beav. 415), a mortgagee's solicitor's bill was delivered at the completion of the mortgage transaction, and the amount retained after objection. A petition presented eleven months afterwards for taxation was refused, although the bill contained an objectionable item of £20 for procuration money.

Pressure.—It is now well settled that, where a bill of costs has been paid by the client, under undue pressure, that of itself will be sufficient to induce the Court to order taxation, even though the petition does not allege overcharge. But the pressure must have been of a nature to render it difficult for the client to have the costs taxed before payment in the ordinary course. *Re Browne* (1 De G. M. & G. 322). Where a bill of costs was delivered on the day appointed to complete the transfer of a mortgage, and it was objected to, but the solicitor of the mortgagee refused to complete until payment, whereupon the mortgagor paid it; the bill was afterwards ordered to be taxed; *Re Phillpott* (18 Beav. 84). Upon a petition for taxation of bills of costs after payment, no fraud or overcharge being alleged, taxation was directed, upon the ground that the bills which were of a complicated character had been merely shown to the petitioner, but not left with him so as to enable him to ascertain whether or not they contained items of overcharge or items rendering them taxable; *Re Loughborough* (23 Beav. 439). But when, on the day appointed for paying off a mortgage, the solicitor of the mortgagee refused to part with the title deeds until payment of his bill of £18, which had been delivered two days previously, and it was paid under protest, the Court refused a taxation, no pressing necessity for the title deeds appearing, and no items of overcharge being distinctly shown; *Re Finch* (16 Beav. 585); see also on this point *Re Jones* (8 Beav. 479); *Re Harding* (10 Beav. 250); *Re Elmsley* (12 Beav. 538); *Re Fynn* (9 Beav. 117).

Where a married woman employs a solicitor and makes her separate estate liable, she is, though not personally liable, a "party chargeable" within the meaning of the 37th section; *Waugh* v. *Waddle* (16 Beav. 521). Where a client intended to pay a bill of costs at the meeting to complete a matter, the mere fact of the bill being then delivered, and of his paying it without having had an opportunity of examining it, will not alone be sufficient to entitle the client to a taxation; but such a circumstance forms a material consideration; *Re Abbott* (18 Beav. 393). But the doctrine of pressure, in cases of taxation after payment, is not to be extended, and the application for taxation should be made speedily; *Re Barrow* (17 Beav. 547). In *Re Barnard* (16 Beav. 5), the question arose, whether after judgment by default, in an action of debt for a solicitor's bill, in which the amount had not been ascertained, a taxation might be ordered, upon sufficient special circumstances being shown. Sir J. Romilly, Master of the Rolls, decided the question in the affirmative; notwithstanding there had been a previous application to the Court of Common Pleas to obtain taxation of the bill, which was refused on the ground that the Court had no jurisdiction to order a taxation after final judgment. On appeal, however, to the Lords Justices (2 De G. M. & G. 389), Lord Cranworth, L.J., was of opinion that, as the matter had been already adjudicated upon by a Court of co-ordinate jurisdiction, the Court of Chancery could not re-open it; and further, that after final judgment at law, the matter being res judicator, there could be no taxation under the statute. But upon the latter point, Lord Justice Knight Bruce was desirous to be understood as giving no opinion. So that it is still doubtful whether or not after a solicitor has obtained a judgment at law for his bill of costs, the client may not, under the statute, notwithstanding the judgment, obtain a taxation of the bill, upon such special circumstances as would have entitled him to taxation before the action was brought.

The Court of a revising barrister is not "a Court of Law" within the Solicitors Act, so as to exclude the jurisdiction of the Court of Chancery, to order the taxation of the bill containing items for business done in the court of the revising barrister; *Re Andrews* (17 Beav. 310).

The charges of solicitors employed as electioneering agents

have been held to be taxable under the 37th section of the 6 & 7 Vict. c. 73; *In re Osborne* (25 Beav. 359). The Master of the Rolls observing upon the argument which had been urged against the taxation, on the ground that the firm of solicitors which had been employed were to be considered as having acted merely in the character of electioneering agents, said, "It is not clear that any other person than a solicitor could have performed the duties which the candidates to represent the county required to be performed. The duties required the attendance of these gentlemen at the committee-rooms, to see, amongst other things, that nothing should be done contrary to law, or which would infringe any of the provisions in the numerous statutes relative to elections; to secure that everything should be done in a legal and proper manner, and to detect the defects of the opposite party. It was therefore necessary for the gentlemen so employed to exercise their legal knowledge in the best manner they could for the gentlemen by whom they were employed. I do not therefore consider that this was an employment in the same manner as ordinary unprofessional agents, but I think that they were bound to give legal advice and assistance." His Honour therefore held that they were employed in their character of solicitors, and was of opinion that the fact of their having acted as agents in other matters did not make their claim less a claim in their character of solicitors. The result was, that his Honour ordered the bill to be taxed under those words in the 37th section of the Act, which enable him to make such an order, although no part of the business was "transacted in any court of law or equity."

Third party clause, sect. 39.—Under the third party clause, sect. 39, it is not necessary, where a cestui que trust applies for taxation of bills paid by trustees or executors to show that there are fraudulent overcharges; *In re Drake* (22 Beav. 438); nor where the party immediately chargeable has paid the solicitor, and the third party liable has repaid him, it is not necessary to prove pressure; *Re Turner* (5 W.R. 805), and a taxation has been ordered at the instance of cestuis que trust of a bill incurred in respect of a trust estate, by trustees both being now dead; but any balance due from the solicitor was ordered to be paid into court to a separate account, and not to the petitioners; *In Re Hallett* (21 Beav. 250); and where an executor having paid the bills of costs of a solicitor, incurred in the administration of the testator's estate, and one of the residuary legatees applied for taxation of the bills on the ground of gross overcharge, it was held, that there being charges in the bill which would not have been allowed by the Court in taking the account as between the executor and the estate, that was a sufficient special circumstance to enable the residuary legatee to obtain a taxation of the bills after payment: and a third party who applies under the 38th & 39th sections for taxation of a bill after payment must show such special circumstances as would support an order for taxation on the application of the person originally chargeable; *Re Dickson* (5 W.R. 108). Taxation will be ordered at the instance of a legatee, of a bill of costs of the executors' solicitor, for the amount of which a mortgage had been given by them; *In Re Drake* (23 Beav. 438). Where a mortgagor seeks a taxation of the bill of the morgagee's solicitor, it must be looked at not as between the mortgagor and the solicitor, but as between the solicitor and client, the mortgagee; *Re Barrow* (17 Beav. 55); and where a considerable portion of a bill of costs is for business, which, in the exercise of an honest and fair discretion, ought never to have been transacted, the Court, although there be no serious amount of pressure, will order a taxation; *Re Barrow*, (supra); and where, upon paying off a mortgage, the bill of the mortgagee's solicitor, though objected to, was paid in full, the solicitor undertaking "to refund" so much of "the mortgagee's law charges" as might be "found to be in excess of what they were entitled to receive," it was held, that the Court would enforce the undertaking upon petition, by ordering a taxation, and that it was to be as between the mortgagor and mortgagee; *Re Fisher* (18 Beav. 183). The taxation under the 38th section, or the third party "liable clause," is by order, of course; but under the 39th section, or third party interested clause, the application is special; *Re Stratford* (16 Beav. 27). The order of course for taxation refers to business in which the solicitor "has been employed," not to the fees, &c., which he claims to be due; *Re Smith* (19 Beav. 329).

THE ELECTIVE FRANCHISE AND THE BRETHREN OF THE CHARTERHOUSE.—Like the case of the military knights of Windsor, the Charterhouse brethren have been struck off the list of voters.

Communications, Correspondence, and Extracts.

EXAMINATION OF ARTICLED CLERKS.

To the Editor of THE SOLICITORS' JOURNAL AND WEEKLY REPORTER.

SIR,—Can you give me any information as to the examinations?

My articles are not out till next March, but I want, if possible, to pass my examination in Hilary Term next, instead of having to wait till Easter Term, as I want to start for Canada in February.

I believe you can obtain a judge's order to go up for your examination before the expiration of your articles. I am aware they do not give up your articles till your articles are over, but they could be sent over to me.

Do you think, therefore, that if I made a strong affidavit I could manage it?

If you could give me any information, you would oblige, yours obediently, AN ARTICLED CLERK.

[You cannot obtain a judge's order entitling you to be examined before the expiration of your articles; nor has such an examination ever been granted that we are aware of.—ED. S. J.]

The Provinces.

BIRKENHEAD.—*The Earl of Shrewsbury on his Title and the Estates.*—The foundation stone of the water-tower of the Wirral Waterworks, near Birkenhead, was laid with much pomp on Monday afternoon by the Earl of Shrewsbury and Talbot. At the dinner, which was given at the conclusion of the ceremony, the noble lord made the following remarks in reference to his present title and claim to the estates:—"I am, as you know by the decision of the House of Peers, in the possession of the title of Lord Shrewsbury. I was told before I got that title that when I got it there would be an end to all the dispute. Since that, however, I have gone through several phases of law, and I believe I shall have to go through a few more. So far as we have gone I have had a very elaborate and deliberate judgment, which was in my favour, and which I think it will be very difficult to upset. But still, we all know what are the glorious uncertainties of the law. I say this with great respect for Mr. Harden, who must not think I am depreciating that very great institution of our country, the law; but we all know that there is a glorious uncertainty about law. I therefore do not like to count my chickens before they are hatched. I am consequently, to a certain extent, in a false position. I am saying this and that as if I were the actual and positive landlord of the place. The judgment may be reversed; I do not think it will, and I am sure that if it is, it will not be of long duration. Still it is possible, and therefore I should speak within bounds. So far as in me lies, if I be continued as the landlord of this locality or not, all that I can say is, that I shall ever entertain the most grateful sense of the kindness with which I have been received; and I shall always feel an interest in the place, and always wish for it that prosperity which I feel confident I shall see realised in the success of the Wirral Waterworks Company.

BIRMINGHAM.—*Maintenance of Pauper Lunatics.*—At the Public Office, on Thursday week, before Henry Smith and William James, Esqrs., Mr Corder, the clerk to the guardians of the poor of the parish of Birmingham, applied on the part of the parish for an order under the Lunacy Acts, adjudging David Davies, a pauper lunatic, at present confined in the Borough Asylum, to be chargeable to the county, on the ground that he had no place of settlement, or that it could not be discovered. Mr. W. O. Hunt, as representing the Clerk of the Peace for the county of Warwick, attended to oppose the application. Mr. Corder, in introducing the matter, reminded the magistrates that he had made a similar application in the month of July last, when all the necessary proofs were adduced excepting the non-production of the original order for the lunatic's admission to the asylum, made upwards of nine years ago, on which ground the magistrates then refused to adjudicate. On the 15th of September Mr. Corder renewed the application, and tendered the additional evidence, when Mr. Hunt contended that the magistrates had already heard and disposed of the case, and that they had not jurisdiction again to entertain it, on which occasion he (Mr. Corder) deferred to what

appeared to him to be the feeling of the Bench, by consenting to an adjournment for a month in order that both parties might be further advised as to the validity of the objection taken to the jurisdiction of the magistrates. During that interval the guardians had been advised in the matter, and pursuant to that advice, and by the direction of the Board, he now renewed his application. Mr. Corder then argued in favour of the power of the magistrates to re-hear the case, and he cited "Regina *v.* Machin and another," and also "Regina *v.* the Justices of Suffolk," in which it was clearly held by the Court of Queen's Bench that a refusal by justices to make an order of affiliation, though on the merits, was no bar to a second application; and that if the justices refuse to entertain such second application on the mere ground of the first refusal, the Court would order them by mandamus to hear. Mr. Hunt renewed his objection to the jurisdiction of the magistrates, and contended at some length that having disposed of the present case on a former occasion, their power to re-hear it was gone. He (Mr. Hunt) admitted that under the 98th section of the Public Lunatic Asylums Act, the justices might direct such further inquiry to be made with a view to ascertain the parish in which any pauper lunatic was settled as they thought fit, and delay adjudging such pauper lunatic to be chargeable to any county until such further inquiry had been made; but he urged they had not done so in the present case, and that the guardians of the parish of Birmingham had no right therefore to have it re-opened. The magistrates having deliberated for some time, stated that they had decided to hear the case. Mr. Hunt thereupon said that after that decision, with all due respect to the magistrates, he should withdraw from the case, reserving to himself the right, in the event of an order being made, to take such steps in reference thereto, on the part of the county, as he might be advised to adopt.— Mr. Hunt after this withdrew from the court. Mr. Corder then proceeded to call the necessary evidence, when Mr. Knight, the clerk to the committee of visitors at the Borough Asylum, produced the original order for the admission of David Davies, the lunatic in question, to that institution. Mr. Sweeney, relieving officer, proved that he had made diligent inquiry as to the lunatic's settlement, without success; that he had ascertained that he was a foreigner, a native of Prussia, and had never acquired any settlement in England. Louis Davies, a brother of the lunatic, also gave similar evidence as to his non-acquirement of a parochial settlement. After some further formal evidence as to certain payments made by the guardians, the magistrates stated that they considered the case sufficiently proved, and made an order adjudging the lunatic to be chargeable to the county of Warwick. A similar application was made in the case of Joseph Boryonski. Mr. Hunt then re-entered the court, and again appeared on the part of the county. In this case no former application had been made. Mr. Knight produced the original order of admission, and proved the chargeability of the lunatic to the parish of Birmingham. Mr. Sweeney deposed as to the nature and extent of the inquiries he had made with a view to discover the lunatic's settlement, and that he had been since Monday last to Leeds for that purpose, but that he had discovered that this lunatic was also a foreigner, and had never gained a settlement in England. Pamela Boryonski, the wife of the lunatic, proved that her husband, who is a native of Poland, came to England with or about the time of the arrival of Kossuth; that he had been chiefly occupied in working at the trade of a journeyman tailor; had for several years resided with her mother, and had never rented a house or done any other act of a nature to confer upon him a parish settlement. This witness and Mr. Sweeney were both cross-examined by Mr. Hunt, but without eliciting anything material. The magistrates thereupon expressed themselves satisfied with the evidence, and made an order upon the county of Warwick accordingly, thereby relieving the parish of Birmingham of the burden of the lunatic's maintenance.

Bristol.—*Lord Redesdale and the Board of Guardians.*—Lord Redesdale has caused umbrage to some of our local guardians by questioning the legal and moral right of the Bristol Board to hire out female pauper orphans in a silk mill, at a long distance from Bristol. It appears that, in June last, twelve girls were hired to Mr. G. C. Smith, silk-throwster, of Blockley, in the Shipton-on-Stour union, of which union Lord Redesdale is the chairman. On this coming to his Lordship's knowledge he wrote to the Poor Law Board letters questioning the power of the Bristol guardians to hire the orphans under their charge to such service. After dwelling upon the dangers to which the poor creatures are subjected by this "sort of infant slave-trade," Lord Redesdale charges the Bristol guardians with merely considering the pecuniary saving to the union, instead of the good to the children.—*Bristol Mirror.*

Norwich.—*Municipal Elections.*—A committee appointed by the Norwich Town Council recommend that the members of the council should in the month of October in each year sign a declaration, pledging themselves on the 1st of November following to abstain from and discountenance bribery, treating, and every form of corrupt and illegal expenditure or practices, and also from all organised or systematic personal canvassing, both directly and indirectly. The committee further recommend, that in case of an alleged infraction of this declaration, it should be referred to the mayor and sheriff for the time being, together with an umpire to be named by them, "to determine whether the undertaking has been honourably carried out or not, and that the councillors returned at the election in question shall be bound to abide by such decision, and to resign his or their seats if they be adjudged that his or their election was procured or promoted by the violation of the undertaking, and that the other candidates and parties subscribing the declaration shall also abide by the decision of such referee or umpire." The committee have also under consideration a scheme for the prevention of improper practices at parliamentary elections, and have prepared some clauses, which they recommend should be inserted in the new Reform Bill.

The Bankruptcy Laws.—A meeting of the members of the Chamber of Commerce of this town was held yesterday week at the Guildhall, to take into consideration the amendment of the law of bankruptcy and insolvency; R. Chamberlin, Esq., occupied the chair. Mr. Russell, from the City of London Committee, attended to explain the present position of the proposed bankruptcy Bill, and dwelt at some length on the two Bills of last session. With reference to these he said their committee had reported that, with regard to Lord Chelmsford's, they had no difficulty in designating it unworthy of the support of the mercantile community. With reference to Lord John Russell's Bill, they reported as follows:—With regard to the Bill of Lord John Russell, your committee are of opinion that, although it is defective in several very important respects, yet it contains many provisions of which they highly approve, among which are the following:—

It consolidates the whole laws of bankruptcy and insolvency.
It abolishes the payment of per centages, and provides for the payment of the expenses of the court out of the Consolidated Funds.
It reduces the number of meetings.
It abolishes many useless offices.
It gives the creditor greater control over the proceedings.
More stringent punishments are provided for fraudulent bankrupts.
It affords satisfactory facilities for private arrangements by deed.
And it brings within the jurisdiction of the Court of Bankruptcy the estates of insolvent debtors deceased.

Mr. Russell then laid before the meeting a petition, which had been prepared for presentation on the opening of Parliament, and which, without pledging the Chamber to any definite plan, was adopted.

Tynemouth.—*The Manor Court.*—The Court Leet and Court Baron of his Grace the Duke of Northumberland was held last week, at North Shields, before Sir Walter Buchanan Riddell, Bart., the steward of the manor. The business of the Court having been completed, the learned baronet dined with a party of professional gentlemen and others connected with the town. After dinner the following address, on his marriage, was presented to him:—

To Sir Walter Buchanan Riddell, Bart., of Hepple, Steward of the Manor of Tynemouth.

The undersigned jurors of the Court Leet and Court Baron of his Grace the Duke of Northumberland, Lord of the Manor, and the attorneys practising in the court, beg leave to offer you their friendly and hearty congratulations on your marriage.

The eminent lawyers who have for centuries past presided in this court as the representatives of the noble ancestors of the present lord, have in you a worthy successor, and in the courtesy and urbanity which has marked your intercourse with the jury, attorneys, and suitors of this court, the Duke of Northumberland, himself distinguished for the same qualities, has found a faithful representative.

As Northumbrians, they feel proud and happy to see the prospect of continuing in the county an ancient and honourable family, and they beg you will convey to Lady Riddell their best wishes for her long life, health, and happiness.

The address was signed by the jury and nearly all the solicitors in the borough. Sir Walter Riddell, in a speech full of good feeling, thanked the gentlemen presenting the address for this most unexpected mark of their good will, and promised, on the part of Lady Riddell, that the address would be most pleasing to her as well as to himself. If their good wishes should be realised, he hoped to hand down to his successor the most gratifying document which they had placed in his hands.

Scotland.

THE EDINBURGH VOLUNTEER RIFLE REGIMENT.

The volunteer movement, now so general over the country, has nowhere been more popular, or more vigorously and successfully prosecuted, than in the city of Edinburgh. The example set by the Faculty of Advocates in forming themselves into a volunteer corps at the very outset of the movement was speedily followed by solicitors before the supreme courts, writers to the signet, bankers, accountants, university students, and the citizens generally—each company, as it became organised, being filled with a laudable ambition to equal, and if possible excel, the others in close attention to discipline and drill. The regiment now consists of eleven companies, and is composed of 900 men, the Lord Provost being the colonel, and the Lord Advocate the lieutenant-colonel.

The Advocates' Company is the first in order of the regiment, the members of the faculty having taken precedence of the general body of the citizens in the volunteer movement, into which they entered with great spirit at a very early period. The number of effective members at present enrolled is eighty-five, and since the organisation of the company it has been regularly undergoing squad-drill in the Parliament House. The officers are:—Captain—Edward Strathearn Gordon, Esq., Sheriff of Perthshire; Lieutenant—Archibald T. Boyle, Esq.; Ensign—F. L. Maitland Heriot, Esq.

The 3rd company is open only to writers to the signet and their apprentices. The number at present enrolled is ninety-two. The company has been regularly drilled. The distinctive badge of this company is the arms of writers to the signet, with crown above the shield. The officers of the company are:—Captain—James Anstruther, Esq., W.S.; Lieutenant—Thomas Graham Murray, Esq., W.S.; Ensign—Thomas Mackenzie, Esq., W.S.

The 5th company is composed of the Incorporated Society of Solicitors before the supreme courts, the clerks of members proposing to become members, and apprentices. There are at present above eighty enrolled members, most of whom have been regular in their attendance at parade. The officers are:—Captain—James Webster, Esq.; Lieutenant—John Carment, Esq.; Ensign—Mr. David Tod Lees, Esq.

THE CHANCELLORSHIP OF THE UNIVERSITY.—A contest is expected for the Chancellorship of the university. It would appear that active, though not open, exertions have been, and are being, made to place this high academic position at the feet of the Duke of Buccleuch, so that the friends of Lord Brougham, who had contemplated his election without opposition, have at last formed a committee to aid in securing his return. By reference to the Universities Act, it will be seen that besides being an honorary officer, as chief among the reputations of the university, the Chancellor is intrusted with two important powers. One of these is the appointment of a member of the governing court, who will be his local representative; the other, and the more serious, is that of having a veto on all improvements which the university council and court may desire to carry through. It is therefore of no small moment not only that academic honour should be conferred on one to whom academic honour is due, but that the position should be filled by one who will not stand in the way of educational improvements. We are glad to learn that the attempt to give a political complexion to the election has so far miscarried that a large number of Conservatives have declared for Lord Brougham, refusing to trample on the true principle which ought to inspire an academic constituency on such an occasion. We trust that Lord Brougham's election will not only be secured, but that the voice of the constituency will make itself so loudly heard upon the day of election, that the gentlemen who have put forward the duke may act more wisely in withdrawing him, and aid in the graceful act of unanimously electing Lord Brougham to that academic honour which he so well merits, and in which he will reflect lustre on the university in which he was once a student.—*The Scotsman.*

IMPORTANT POINT IN MERCANTILE LAW.—In the Sheriff's Court at Glasgow, last week, an action of some importance was instituted by Messrs. Cunard & Co., shipbrokers, London, and Alexander M'Donald, writer, Greenock, their mandatory, against Mr. Robert Steele, shipbuilder, Greenock, for payment of the sum of £512 10s., being commission at 2½ per cent. upon the sum of £20,000, the price of the screw steamship "Scotia," belonging to Mr. Steele, and which was lately sold to the Greek and Oriental Steam Navigation Company, London. It appeared from the summons that Messrs. Cunard & Co. had been the means of introducing the business to Messrs R. Steele & Co., Greenock, and that they had agreed to sell the vessel. That Messrs. Cunard & Co. had been endeavouring to effect the sale between the parties as brokers, but before the matter was finally arranged Messrs. Steele had sold the vessel to the same company through another broker. The plea urged by the pursuers seems to be that, having introduced the business to the defenders, and having acted as brokers, and their agency having been brought to an end before the transaction was broken off, and as the vessel was sold to the same parties, they are entitled to be paid their commission. The point is one of considerable importance, and the defenders, we believe, intend to resist the claim.

A WONDERFUL WARRANT OF REMOVAL.—One day last week, Bridget Cassey, a native of the county Sligo, was shipped from Edinburgh to Belfast, under the provisions of a Poor Removal Act, passed in the year 1579. The order commenced:—"Take notice, that *as you were born in Ireland*"—and after stating the provisions of the Act 8 & 9 Vict. c. 3, and 10 & 11 Vict. c 33, it goes on—"I give you this notice, that you may not pretend ignorance; and I further warn you that, if you shall afterwards return to Scotland, and apply for relief, or again become chargeable, yourself *or your family*, to this city of Edinburgh, without having obtained a settlement therein, you shall be deemed to be a vagabond, and, under the provisions of an Act of the Scottish Parliament, *passed in the year* 1579, entitled 'An Act for the Punishment of Strange and Idle Beggars, and Reliefe of the Pure and Impotent,' may be apprehended, and prosecuted criminally before the sheriff of the county; and shall, upon conviction, be punishable by imprisonment, with or without hard labour, for a period not exceeding two months.—G. Jameson." Comment on the above is unnecessary. A law to punish the poor could not be obtained without ransacking the archives of the Scottish Parliament of nearly 300 years ago. The original can be seen with Captain M'Bride.—*Northern Whig.*

National Association for the Promotion of Social Science.

The following report of a portion of the proceedings in the Jurisprudence Department, at the meeting at Bradford, was unavoidably withheld last week:—

CHARITABLE TRUSTS.

On Wednesday, the PRESIDENT read a valuable paper on this subject, and after some interesting remarks upon the rights of property as affected by law, and especially with regard to the limitation of the posthumous control by the owner over his property for what were called charitable purposes, the Vice-Chancellor said, the purpose of his paper was to call attention, first, to the present policy of the law upon this subject; secondly, to its inconsistency and incompleteness in reference to its policy; and, thirdly, to the necessity for revision. The law allowed a testator to select his charitable object at his own discretion, instead of confining him to an existing life or lives and twenty-one years afterwards, as was the case with regard to other bequests. He mentioned instances of the absurd and preposterous bequests, called charitable, which had been made. In one case, a testator divided considerable property into two equal portions, half of which was to be given to the fifteen young women, between the ages of sixteen and twenty, who should be the prettiest in the parish, and the most constant in their attendance at church; and the other half was to distribute amongst spinsters of fifty years of age possessing the same qualifications. There were the doles of bread, coal, &c., which were said to amount to £86,000 or £87,000 a-year, which, under the present system, were productive of evil rather than of benefit. He contended, that it was more reasonable to allow any man to fix for over the future disposition of his property, and that posthumous charity should be very strictly regulated. He briefly sketched the remedies which he suggested, the principal of which would render contributions of a charitable nature subject to the contest of the charity commissioners under certain conditions. They must, at all events, put an end to absurd bequests; and instead of checking benevolence, he believed that such limitations would increase all real, sound beneficence.

The discussion was adjourned.

THE BANKRUPTCY LAWS.

Mr. HASTINGS presented the report of the committee on Mercantile Legislation. Three subjects had occupied the

attention of the committee; the most important being that of bankruptcy. The Bill approved by the Association was introduced into the House of Commons by Lord John Russell and Mr. Headlam, and although it passed the second reading, the dissolution occurred and prevented its further progress. The committee found that while the Bill received the support of the various chambers of commerce and protection societies in the provinces, many eminent merchants in London, who had much considered the subject, did not view it with the same favour, and they therefore held a conference with those gentlemen with the desire, if possible, to secure an agreement of opinion. Mr. Morley, who was present, objected to the mode of appointment of creditors' assignee, provided in the Bills, and suggested that the appointment should be in the hands of three creditors, called inspectors, and these latter being selected by the whole body of creditors, the assignees would be chosen by them. Another suggestion made was, that it was desirable that the certificates to bankrupts (the classification being abolished), should be endorsed with some statement of the character and conduct of the bankrupt in his dealings, and the cause of his insolvency. A third suggestion made to the committee was, that a trader in difficulties might apply to a commissioner in chambers, on being pressed by certain creditors, and on making a full statement of his actual commercial position, he should thus prevent the evil arising from preference to creditors. These three alterations and additions had been introduced in the Bill, and when the measure was again introduced, co-operation of gentlemen from the metropolis had been secured. This was really the great step of the year, and was of far more importance than the second reading of the Bill. The subject of a registration of partnerships had occupied the attention of the committee, and also of a sub-committee, the latter of which recommended the appointment of a sub-committee of the House of Commons, but this the dissolution prevented. The incorporation of chambers of commerce had also occupied the attention of the committee, and a Bill providing for the registration of joint stock companies, mechanics' institutions, and other public bodies, having been introduced by Lord Chelmsford, he then hastily wrote to his Lordship, suggesting the introduction of specific words which would introduce chambers of commerce in the measure. The noble lord, in reply, expressed it as his opinion, that the words did already include chambers of commerce, but the change of Government prevented the passing of the Bill.

With regard to the question of the registration of partnership, Mr. Hastings suggested the appointment of a committee to obtain information on the subject.

Mr. DANIEL, Q.C. then read a paper "On the Effect of the recent Reforms in the Court of Chancery, with reference to the Transaction of Business in the Judge's Chamber, the Mode of taking Evidence, and the Mode of trying disputed Questions of Fact." It was a long but by no means uninteresting document, Mr. Daniel's object being to show that the reforms which had been introduced into the Court of Chancery since 1852 had been such as to afford greatly increased facilities to suitors, the business being disposed of under the present system with much less waste of time and of expense than was previously necessary. He at some length pointed out the objections to, and the defects in, the existing mode of taking evidence upon disputed points before the Masters in Chancery, mentioning as the chief evils the frightful quantity of useless and irrelevant evidence which was taken, combined with the absence of all control over it until the expense had been incurred, and the little value, not to say the worthlessness, of this evidence when the question turned upon the credit of the witnesses. The only course to remedy this difficulty appeared to be to ascertain beforehand whether the case was one which required the proof by real evidence, and then to give the suitor the power to call the evidence before the tribunal which had to determine upon its effect.

Mr. EDWARD FRY then read a paper on "The Laws of Bankruptcy and Insolvency," the principal portion of which was devoted to an outline of the provisions of the Bill upon the above subject, introduced into Parliament under the auspices of the Association, the draft of which had been drawn by himself and Mr. H. F. Bristowe. The main provisions of this Bill have more than once been published in our columns, and it is therefore needless to repeat them.—The president retired when the paper was completed, and the Right Hon. J. Napier succeeded him in the chair.

Mr. W. S. GIBSON, one of the registrars of the Newcastle Court of Bankruptcy, contributed a paper "On the Laws affecting Debtors and Creditors, and the Amendment of the Law of Bankruptcy," which, in his absence was read by Mr. A. RYLAND, one of the secretaries of the department. The paper went at great length into the whole question of bankruptcy and insolvency reform, reviewing the various attempts at legislation on the subject, and expressing occasionally some novel views. It concluded by suggesting that in amending the present bankruptcy statute the chief alterations should be—1st, subjecting all cases of insolvency of traders to judicial control, and abolishing voluntary deeds and private arrangements; 2nd, revising the category of offences against the bankrupt law, and giving greater facilities for the punishment of fraud; 3rd, modifying the classification of certificates; 4th, reducing the present expense of bankruptcy proceedings by charging the salaries and compensation annuities upon the Consolidated Fund; 5th, paying the official assignees partly by salary and partly by fees; 6th, altering the procedure of the Court so far as regards the publicity of business not expressly adjudged by the commissioner to be presented in open court; 7th, reviving the subdivision Court of Commissioners as a court of appeal on questions of certificate; and, lastly, investing each commissioner with the powers of a county court judge, to enforce payment of debts found due to a bankrupt's estate, for which the present cumbrous and expensive machinery is ineffectual.

Mr. RAYNER, of Huddersfield, at some length pointed out the advantages which the commercial public would derive from the adoption of the Bill, the provisions of which Mr. Fry had described.

Mr. MALCOLM ROSS, of Manchester, urged the importance of a law being passed to prevent bankrupts absconding from England to Scotland or Ireland, and so escaping from their creditors.

Mr. BRISTOWE having offered a few remarks, Mr. HASTINGS referred to the large cost of bankruptcy proceedings, and stated that the commissioners upon bankruptcy admitted that the expenses were 33 per cent. But they must recollect that this was only an average, and that in some cases, especially in small estates, the expenses often amounted to as much as 70 per cent.

Mr. S. MORLEY, of London, commented upon some of the absurdities which were put forth in Mr. Gibson's paper, and then strongly argued the necessity for the abolition of the office of official assignee, so that the creditors might have the power of directing their own affairs.

The discussion was then adjourned to eight o'clock, when it was resumed at the conversational meeting of delegates from chambers of commerce, in the saloon of the Hall.

CHARITABLE TRUSTS.

The discussion upon the paper read by Vice-Chancellor Wood, upon the above subject, was resumed, Mr. HENNESSEY, M.P., Mr. PERCIVAL BUNTING, and other gentlemen, taking part. It was stated that in England there were from 40,000 to 50,000 religious trusts which would be affected by legislation, and that the subject was one of considerable difficulty.

THE BANKRUPTCY LAWS.

Mr. NORWOOD LAW, of Hull, moved the following resolution on this subject:—

That the section requests the general committee on mercantile legislation to take prompt measures to secure the introduction into Parliament of the Bill to amend and consolidate the laws relating to bankruptcy and insolvency, brought in last session by Lord John Russell and Mr. Headlam, with the amendments since made, as stated in the report presented to this department yesterday.

Mr. LLOYD, of Birmingham, seconded the resolution.

The PRESIDENT, in putting the motion, said, he thought this was a subject in which commercial men ought to have their own way, and as they had now before them a measure which received the almost universal approbation of those interested, he urged them to allow the House of Commons no rest until this great question was solved to their satisfaction.

THE LAW RELATING TO COLLISIONS AT SEA.

Mr. J. T. DANSON, barrister, and vice-president of the Liverpool Chamber of Commerce, read a paper "On the Law relating to Collisions at Sea where Foreign Vessels are concerned." A recent decision of Vice-Chancellor Wood had affirmed the principle that the British law with regard to collisions at sea did not affect foreign vessels; and the paper suggested that the law should be altered and made applicable to foreign vessels also.

On the suggestion of the chairman, the question was referred to the General Committee on Mercantile Legislation.

FRAUDULENT IMITATION OF TRADE MARKS.

Mr. RYLAND, one of the secretaries of the section, communi-

cated a paper on this subject. The imitation of trade marks, he said, had reached a frightful extent, not only in this country, but on the Continent, and he argued that such offences should be made legally the subjects of criminal indictment, because it was impossible to obtain an effectual remedy by civil proceeding. If these imitations were no longer regarded as justifiable tricks of trade, but as low, despicable frauds, the commercial character of their country would be greatly elevated.

Mr. DANIEL, Q.C., expressed his opinion, formed upon the case of the *Queen* v. *Smith*, that the imitation of trade marks was an indictable offence.

Mr. BARKER, a needle manufacturer, said, he had suffered largely from the imitation of his trade mark on the Continent, particularly in France, where from three to five millions of needles of inferior character were introduced from Germany, and as they could scarcely be detected from the genuine article, the reputation of his firm suffered.

Mr. T. WEBSTER suggested that, as the common law was sufficient to deal with cases of fraud, the efforts of commercial men should be directed to obtain a copyright in trade marks.

Mr. LEVI deprecated the practice which to some extent prevailed, of British manufacturers having articles made on the Continent bearing their trade marks, and thus inducing the purchaser to believe that they were obtaining English articles.

Mr. JACKSON, the master cutler of Sheffield, urged the importance of immediate action in this matter.

PUBLICATION OF PREFERENTIAL SECURITIES.

A paper upon the publication of preferential securities, especially with regard to its legality, and its necessity for the mercantile community, was next communicated by Mr. JOHNSON, of Leeds.

THE INCORPORATION OF CHAMBERS OF COMMERCE.

Mr. DARLINGTON next read a paper on this question, which was the sequel of one communicated by him to the Association at its Liverpool meeting last year. The paper advocated the importance of the incorporation of chambers of commerce, in order that they might be placed on a firmer and permanent basis, having power to look after all that affected the commerce of their several localities. The incorporation would give them a status and power which they did not now possess. They were allowed by courtesy to present petitions to the House of Commons, but they could not be heard in committee in consequence of not being incorporated.

An animated discussion followed, in which Mr. Cowan, M.P., Mr. Higgins, Mr. Hastings, Mr. Daniel, Mr. Darlington, the President, and other gentlemen took part, the opinions for and against incorporation being pretty equally divided.

RECORDATION.

Mr. A. SYMONDS, barrister-at-law, read a paper of an abstract character, "On Recordation, adapted both to the Purposes of Jurisprudence and the Amendment of the Law, and generally to the Purposes of the Association for the Promotion of Social Science, with a View to the Realisation of its Matters in a Scientific Form."

The section then separated.

THE PROVINCE OF LEGISLATION.

Mr. J. C. SMITH, advocate, of Edinburgh, read a very interesting paper on this subject, in which he sketched the various objects of legislation, and referred to the extent to which personal liberty should be interfered with by law.

CODIFICATION OF THE LAW.

Mr. E. WEBSTER, barrister-at-law, communicated a paper "On a Declaratory Code," by which he said he meant a systematic digest of the whole form of the law, declaring what the existing law is, whether it was perfect or imperfect, and whether capable or incapable of being amended or altered. By codification he did not mean amendments. The code should be declaratory only, the codifier having the power to suggest amendments separate from the law, thus showing what was wanted, and what existed. As proof of the necessity for codification, he referred to the vast number of laws, which were continually on the increase; to the large number of legal decisions which were annually impeached or overruled; and to the confliction and uncertainty of legal judgments. The law might be codified in five years, and reduced to five or six volumes, and the law on any point might then be easily ascertained.

REGISTRATION OF TITLE DEEDS.

Mr. W. S. COOKSON presented a paper "On the Registration of Title Deeds and Registration of Title," in which he advocated the establishment of a system of registration of deeds relating to land, which should be simple, accurate, expeditious, cheap, and at the same time secure.

A paper relating to the same subject had been communicated by Mr. W. A. JEVONS, of Liverpool, and, in his absence, was read by Mr. Ryland, one of the secretaries. Mr. Jevons principally advocated some alteration in the law which would remove the difficulties now existing to the sale and transfer of land from the heavy expenses which must previously be necessarily incurred in the investigation of complicated titles.

Mr. J. DIBB, of Wakefield, read a paper upon "The Yorkshire Registry of Deeds," in the course of which he urged that registration, to effect all that was desired, should be compulsory, as well as local; and suggested various means for improving and simplifying the existing system of registration.

An animated discussion upon the above three papers then took place, the principal speakers being Mr. Bunting, Mr. Higgins, Mr. Webster, and Mr. Daniel.

Mr. HADFIELD, M.P., also took part in the conversation, pointing out the difficulties which he thought would render registration impracticable, and contending that every remedy yet proposed had been worse than the evil.

PATENTRIGHT AND COPYRIGHT.

Four papers upon this subject had been sent in, the first read being by Mr. J. T. CLAY, "On the Copyright of Designs, as applicable to Articles of Textile Manufacture."—Mr. T. WEBSTER, barrister-at-law, had contributed a paper, an outline of which he gave, "On the Amendment of the Laws for the Protection of Property in Intellectual Labours as embodied in Inventions, Books, and Pictures, on Patentright and Copyright." These papers referred to the extreme expense and delay which attended all questions affecting patent right or copyright, and the consequent necessity for a remedy. Mr. Webster suggested that a sub-committee should be appointed to co-operate with the committee appointed by the British Association on the subject, and a recommendation to the Council to that effect was adopted by the section.—Mr. HIGGINS, in the absence of Mr. D. R. Blaine, barrister-at-law, read the paper communicated by that gentleman, advocating an international copyright property in works of literature and fine art.

There were two or three other papers, including one by Dr. LETHEBY, "On the Application of Science to the Discovery of Crime, and the Administration of Justice," but there was not sufficient time for their discussion.

The section concluded its sitting shortly after four o'clock thanks being passed to Vice-Chancellor Wood and the other officers of the department.

Obituary.

W. BENETT, ESQ.

The late William Benett, Esq., who died a few weeks since, at his residence in Nottingham-place, Marylebone, at the ripe age of eighty years, was the fourth son of the late Thomas Benett, Esq. (of the family of Bennet or Benett, of Pyt-house, Wilts). He was born in London in 1779, and was educated at Merton College, Oxford, from whence, soon after taking his B.A. degree in 1801, he was elected to a fellowship at All Souls College, where he had the advantage of being able to claim admission as "Founder's kin," to Archbishop Chicheley. He took his degrees in law, and was called to the bar at Lincoln's-inn in 1806, and practised for several years as a member of the Western Circuit. In 1817 he was appointed to the post of a police magistrate in the metropolis, which he held for many years, retiring only when increasing years warned him that he was no longer able to discharge the heavy duties of his office with ease or satisfaction. Mr. Benett was also for many years in the commission of the peace for the county of Middlesex.

Law Students' Journal.

MICHAELMAS TERM EXAMINATIONS.

The examiners appointed for the examination of persons applying to be admitted as attorneys, have fixed Tuesday 15, and Wednesday 16, November next, at half-past nine in the forenoon, at the hall of the Incorporated Law Society, in Chancery-lane, in order to be examined. The examination will commence at ten o'clock precisely, and close at four o'clock each day.

The articles of clerkship and assignment, if any, with answers to the questions as to due service, according to the regulations approved by the judges, must be left with the secretary on or before Tuesday, November 8.

Where the articles have not expired, but will expire during the term, the candidate may be examined conditionally; but the articles must be left within the first seven days of term, and answers up to that time. If part of the term has been served with a barrister, special pleader, or London agent, answers to the questions must be obtained from them, as to the time served with each respectively.

On the first day of examination, a paper will be delivered to each candidate, containing questions to be answered in writing, classed under the several heads of—1. Preliminary. 2. Common and Statute Law, and Practice of the Courts. 3. Equity, and Practice of the Courts.

On the second day, another paper will be delivered to each candidate, containing questions to be answered in—4. Conveyancing. 5. Bankruptcy, and Practice of the Courts. 6. Criminal Law, and Proceedings before Justices of the Peace.

Each candidate is required to answer all the preliminary questions (No. 1); and also to answer in three of the other heads of inquiry; viz.:—Common Law, Equity, and Conveyancing.

The examiners will continue the practice of proposing questions in Bankruptcy and in Criminal Law and Proceedings before Justices of the Peace, in order that candidates who have given their attention to these subjects may have the advantage of answering such questions, and having the correctness of their answers in those departments taken into consideration in summing up the merit of their general examination.

In case the testimonials were deposited in a former term, they should be re-entered, and the answers completed to the time appointed.

INCORPORATED LAW SOCIETY.

Lectures, 1859-60.

The following three courses of lectures will be delivered in the hall of the society on Monday and Friday evenings, in the months of November, December, January, February, and March next, at eight o'clock precisely.

Conveyancing Lectures, by Frederick John Turner, Esq., Barrister-at-Law.

1. On the history of the law of real property.
2. On the creation and barring estates tail.
3. On conveyances by parties under disabilities.
4. On fraudulent and voluntary conveyances.
5. On mortgages, legal and equitable.
6. On leasehold estates and the assignments of them.
7. On trustees and the appointment of new trustees.
8. On wills and testamentary appointments.
9. On copyhold tenure.
10. On powers and the exercise of them.
11. On the rights and powers of married women relative to property.
12. Review of the present state of the law of real property.

Equity Lectures, by George Wirgman Hemming, Esq., Barrister-at-Law.

1. Origin and history of equity jurisprudence.
2. The jurisdiction of the Court of Chancery.
3. The procedure of the Court of Chancery.
4, 5. Specific performance and injunctions.
6, 7, 8. Equitable rights of married women.
9. Administrative business of the Court of Chancery.
10. Suits relating to partnerships and companies.
11, 12. Winding up and bankruptcy of partnerships and companies.

Common Law and Mercantile Law Lectures, by Frederick Meadows White, Esq., Barrister-at-Law.

On the relation of principal and agent—What it is:—

Between whom it may be established. Who may appoint—who may be appointed agents.

The subject matter. What acts may—what may not be done by agents.

How the relation may be established. The authority. Express authorities.—Implied authorities.—General and special agencies.—The authority of a wife to bind her husband—The general authority—of Counsel, attorneys, auctioneers, partners, brokers, factors, shipmasters, &c.—The effect of ratification.

The legal incidents of the relation. 1. The duties, rights, and liabilities of principal and agent inter se. 2. The liabilities of principals to third persons, arising out of the acts of their agents. 3. The personal liabilities of agents, public and private—1. To the public—The criminal law specially affecting agents; 2. To third persons.

The dissolution of the relation. By what means, or under what circumstances, the authority is or may be determined.

[Should time permit, the lecturer will bring under consideration the points of practice most frequently arising in the application of the law of principal and agent.]

Births, Marriages, and Deaths.

BIRTHS.

ANDREWS—On Oct. 11, the wife of Thomas Andrews, Esq., Solicitor, Bagshot, of a daughter.

BURTON—On Oct. 12, at Douglas, Isle of Man, the wife of Major Burton, Deputy-Judge Advocate-Gen., Secunderabad, of a son.

CEARNS—On Oct. 11, at Elm-house, Knowsley, the wife of Edward P. Cearns, Solicitor, Esq., of a daughter.

CRIPPS—On Oct. 14, at Ipaden-house, Oxfordshire, the wife of H. W. Cripps, Esq., Barrister-at-Law, of a daughter.

HOPWOOD—On Oct. 12, at 46, Charlotte-square, Edinburgh, the wife of John Turner Hopwood, Esq., M.P., of a son and heir.

KNATCHBULL-HUGESSEN—On Oct. 16, at 12, John-street, Berkeley-square, the wife of Edward Hugessen Knatchbull-Hugessen, Esq., M.P., of a daughter.

LONG—On Oct. 19, at Donorgan, the wife of R. P. Long, Esq., M.P., of a daughter.

MACFARLANE—On Oct. 13, at 31, Heriot-row, Edinburgh, the wife of Robert Macfarlane, Esq., Advocate, of a daughter.

SCOTT—On Aug. 8, at Liberty-hall, Argyle-street, Prahran, Australia, the wife of James Scott, Esq., Scotch Solicitor and Notary, of a son.

MARRIAGES.

HOWMAN—PEARSON—On Oct. 13, at Mitcham, Surrey, by the Rev. George Ernest Howman, father of the bridegroom, George Arthur Knightley Howman, Esq., of the Inner Temple, Barrister-at-Law, to Augusta, second daughter of the late Henry Shepherd Pearson, Esq.

NEILSON—DONOGHOE—On July 30, at Melbourne, William, son of W. Neilson, Esq., Solicitor, late of Dublin, to Catherine, youngest daughter of John Donoghoe, Esq., of the same city.

WYLAM—LEEMAN—Last week, at Holy Trinity church, Micklegate, York, J. C. Wylam, Esq., of Newcastle-on-Tyne, wine merchant, to Priscilla, third daughter of George Leeman, Esq., of York.

DEATHS.

ANGELL—On Oct. 3, aged 57, Alfred Angell, Esq., Solicitor, of 30, John-street, Adelphi.

BEDFORD—On Oct. 7, at 47, Upper Albany-street, Regents-park, Henry Bedford, Esq., Solicitor, aged 61.

CHAMBERS—On Aug. 18, at Richmond, near Melbourne, Victoria, aged 49, Mary Theresa, relict of the late David Chambers, Esq., Solicitor, of Sydney, New South Wales.

DOCKRELL—On Oct. 10, at Mountpleasant-square, Dublin, John Jervis Dockrell, Esq., Solicitor.

HARRISON—On Oct. 11, at his residence, in the Vale of Cartmel, North Lancashire, aged 70, George Harrison, Esq., formerly of 6, Stone-buildings, Lincoln's-Inn, and Highgate-hill, Middlesex.

HOWARD—On Oct. 7, aged 73, Thomas Howard, Esq., Solicitor, Preston.

POWNALL—On Oct. 14, at Southport, aged 53, James Pownall, Esq., of Pennington-hall, Lancashire, a Magistrate of the County Palatine of Lancaster.

PRINGLE—On Oct. 5, at Stockton, aged 38, Mr. John Pringle, County Court bailiff.

RANDALL—On Oct. 15, aged 27, Alfred Brodribb Randall, Esq., Solicitor, Southampton, youngest son of Edward M. Randall, Esq., of the same place.

SAUNDERS—On Oct. 15, at Fulham-road, aged 81, Thomas Hosier Saunders, Esq., formerly of Bradford, Wiltshire, for many years one of her Majesty's justices of the peace for that county.

WOOD—On Oct. 12, at Sandwich, Kent, aged 56, James Wood, Esq., one of her Majesty's justices of the peace for Sandwich and its liberties.

Unclaimed Stock in the Bank of England.

The Amount of Stock heretofore standing in the following Names will be transferred to the Parties claiming the same, unless other Claimants appear within Three Months:—

Collins, Mary, wife of William Collins, Gunmaker, Birmingham, and Peter Cottenell, Gent., Lozells, Warwickshire, 11 Dividends on £197 : 17 : 9 Reduced.—Claimed by Mary Collins.

Denison, Right Rev. Edward, D.D., Bishop of Salisbury, Very Rev. Hugh Nicolas Pearson, D.D., Dean of Salisbury, Right Hon. William, Earl of Radnor, and Rev. George Ernest Howman, Master of St. Nicholas Hospital, Sarum, £30 : 8 : 8 Reduced.—Claimed by Earl of Radnor and Rev. George Ernest Howman, the survivors.

Fenn, Rev. Joseph, Blackheath-park, Col. Thomas Fenn Addison, Chilton Lodge, near Sudbury, Suffolk, and Shepherd Ray, Draper, Ipswich, £40 : 9 : 8 Consols.—Claimed by Joseph Fenn, the survivor.

Horn, Lucy, Spinster, Bower-hall, Essex, £5 per annum Long Annuity, exp. Jan. 5, 1860.—Claimed by William Henry Layton and James Moss Spearing, the executors.

Keddel, Mary, Spinster, Bedford-place, Bloomsbury-square, £362 : 10 : 0 Consols.—Claimed by Sarah Stockley, wife of Thomas Stockley, the administratrix.

Smith, George, Servant to the Rev. Duke Yonge, Cornwood, Devonshire, £236 : 16 : 0 Consols.—Claimed by John Carpenter and Samuel Mann, the executors.

Weld, Joseph, Esq., Lulworth Castle, near Wareham, Dorsetshire, and Edward Joseph Weld, Esq., Tavistock-court, Blair Bethnahl, £1,728 : 12 : 4 3/4 per Cents.—Claimed by Joseph Weld and Edward Joseph Weld.

WILSON, HENRY, Esq., Stowlangtoft, Suffolk, WALTER JOHN SPRING CARNEGIE, Esq., Pakenham, Suffolk, and CHARLES HALL, Esq., Lincoln's-inn. £114 : 15 : 7 Consols - Claimed by HENRY WILSON, WALTER JOHN SPRING CARNEGIE, and CHARLES HALL.

Heirs at Law and Next of Kin.

Advertised for in the London Gazette *and elsewhere.*

CHAPMAN, THOMAS, late of Siddington, in the county of Gloucester, deceased, who was the son of the late Rev. Joseph Chapman, formerly Rector of Dunsborne. The children, or grandchildren, or next-of-kin of any such child or grandchild, who was living on the 25th day of August, 1858, to apply to Messrs. Wordsworth, Greathead, & Blake, South Sea-house, Threadneedle-street.

PEROCHON, JOHN ELIAS. Persons who have established their claims as representatives to the next-of-kin to J. E. Perochon, in 1826, concerning whom advertisements appeared in the *Times* in May and June last. Persons failing to make good their claims before the 31st instant will be excluded from all participation in the fund. Address, J. W. N., care of Mr. J. C. D. Bevan, 117, Bishopsgate-street Within.

English Funds.

ENGLISH FUNDS.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Bank Stock	222	221 20½	221 ½	221 ½	223 1½	224
3 per Cent. Red. Ann...	94⅝ ⅜	94⅝ 5	95⅛	95¼	95⅝ ⅜	94⅝
3 per Cent. Cons. Ann...	95⅞ 6	95⅞ 6½	96⅛ ¼	96⅜ ½	96⅝ ⅜	95⅞
New 3 per Cent. Ann...	94⅝ ⅜	94⅜ 5	95⅛ 5	95⅜ ½	95¼	94⅝
New 3½ per Cent. Ann...	79½	80½	..	..	..	..
New 2½ per Cent. Ann.	..	..	..	..	111⅜	..
5 per Cent. Ann.	111	..	..	..	..	..
Consols for account	95⅞ 6	96⅛ ¼	96⅜ ½	96⅜ ½	96⅛ ¼	96
Long Ann. (exp. Jan. 5, 1860)	..	..	..	..	..	..
Do. 30 years (exp. Jan. 5, 1860)	..	..	..	..	..	..
Do. 30 years (exp. Apr. 5, 1885)	..	..	17⅝ ⅝	17⅝	..	..
India Debentures, 1858..	99⅛ 6	99⅛ ¼	97 6	96⅞ 7½	97	97
Ditto 1859..	99⅛ 6	99⅛ ¼	96⅝ 6⅞	97	97 6⅞	..
India Stock	..	220	219 21	..	222	221½
India Loan Scrip.	102⅜ 3	103 ⅜	103⅛ ⅜	103⅜ ⅜	103⅛ ⅜	102⅝
India Loan Stock	102⅜ ⅜	103 ⅜	103⅛ ⅜	103⅜ ⅜	103⅛ ⅜	103
India Bonds (£1,000) ..	1s d	3s p	1s4s p	4s p	2s4s p	2s p
Do. (under £1000).....	par	..	3s4s p	2s p	4s p	5s p
Exch. Bills (£1000) Mar.	28s5s p	25s30s p	27s28s p	28s27s p	28s31s p	28s p
Ditto June....	..	..	..	..	..	..
Exch. Bills (£500) Mar.	28s5s p	25s30s p	..	..	28s31s p	..
Ditto June....	..	..	..	..	..	..
Exch. Bills (Small) Mar.	28s5s p	25s30s p	..	..	29s31s p	..
Ditto June	..	..	..	..	..	..
Do. (Advertised)	..	..	..	..	..	..
Exch. Bonds, 1858, 3½ per Cent.	..	..	..	..	..	..

Railway Stock.

RAILWAYS.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Birk. Lan. & Ch. Junc..	76	76	..	77¼	..	..
Bristol and Exeter	..	99	99½ 9	99	100	..
Caledonian	90½ 1½	92½	92⅝ 3	92½ 3	92⅝ 3½	92½ ⅝
Chester and Holyhead..	..	..	..	..	..	..
East Anglian	..	..	..	..	..	..
Eastern Counties	55⅜	55⅜ ⅜	56 ⅜	56⅛ ¼	56⅜ ⅜	56⅛ ¼
Eastern Union A. Stock.	..	..	37⅜	..	37½	..
Ditto B. Stock	..	..	..	26½	26⅝ ¼	..
East Lancashire	..	..	..	..	..	..
Edinburgh and Glasgow	..	80	..	..	..	..
Edin. Perth, and Dundee	..	27½	27⅝ 8½	28	28⅛ ¼	..
Glasgow & South-Westn.	..	..	..	..	..	..
Great Northern	..	..	103½	..	104	..
Ditto A. Stock	..	85⅞ 6	86	86½	89	88½ 9
Ditto B. Stock	..	..	132½ 2	132	132½	..
Gt. South & West. (Ire.)	..	..	..	..	..	..
Great Western	64⅛ ⅛	64⅛ 5	65⅜ 4⅞	64⅛ ¼	65⅜ 5	65⅛ 4⅞
Do. Stour Vly. G. Stk.	..	..	..	..	..	..
Lancashire & Yorkshire	96⅝ ⅜	96⅞ 9½	97⅛ ⅞	97⅛ 8	98	97⅝ ½
Lon. Brighton & S. Coast	..	112½ 13	..	112⅝ 13½	113⅜	112½
London & North-Westrn..	94⅜ 5	95⅛ ¼	96¼ 6	96 ⅜	96⅛ ¼	96
London & South-Western.	91	90½	90 6½	90½ 5½	90½	90
Man. Sheff. & Lincoln..	35	..	35½ ½	..	35⅜ ½	35⅜
Midland	105 ⅜	105⅛ 6½	106⅜ ¼	106⅜ 7½	106⅝ 6⅜	106⅛ ¼
Ditto Birm. & Derby	..	..	83½	..	..	..
Norfolk	..	..	57½	..	..	57½ 6⅜
North British	59½	60⅜	61 ⅜	..	60⅜	60⅝ ¼
North-Eastern (Berwick.)	89½	89⅜ 90½	91 90	91½ ½	91¼ ½	91 90⅜
Ditto Leeds	..	..	46 ⅜	46⅜ ½	47 6⅜	..
Ditto York	72⅛ ⅛	73 4⅛	74 5⅜	75 4⅛	..	74⅛ ⅛
North London	..	..	108 5½	..	..	..
Oxford, Worc. & Wolver.	..	34	..	34 3⅜	34 ½	34⅛
Scottish Central	..	..	..	..	..	..
Scot. N.E. Aberdeen Stk.	..	..	27½	26⅞	27	..
Do. Scotsh. Mid. Stk.	..	..	..	..	..	..
Shropshire Union	45½	..	..	46⅜	47⅛ 6⅜	..
South Devon	49½	47½	..	..	..	..
South-Eastern	76⅛ ⅛	77⅛ ¼	77⅛	78 ⅛	76⅛ ⅜	77⅛ ⅛
South Wales	73	73⅛ 3½	74	..	..	73
Vale of Neath	..	..	89	..	89	..

London Gazettes.

Professional Partnership Dissolved.

FRIDAY, *Oct.* 21, 1859.

BURNETT, WILLIAM HOPE WHIDBEY, & GRESHAM KEEN, Solicitors, 5 Serjeant's-inn, Fleet-st.

Commissioners for Administering Oaths in Common Law.

TUESDAY, *Oct.* 18, 1859.

WITTY, RICHARD HENRY, Esq., 21 Essex-st.
PHILLIPS, GEORGE MERIDCOE, Esq., Old Broad-st.
DAWES, RICHARD, Esq., 9 Angel-ct.
LOW, FRANCIS WILLIAM, Esq., 67 Wimpole-st.
TURNER, JOHN, Esq., 9 Carey-st.

FRIDAY, *Oct.* 21, 1859.

BROUGHTON, FRANCIS, Gent., 4 Falcon-sq.
SPIER, JONES, Gent., 30 Broad-st.-bldgs.
TATHAM, ALFRED CHARLES, Gent., 11, Staple-inn.

Creditor under 22 & 23 Vict. cap. 35.

Last Day of Claim.

FRIDAY, *Oct.* 21, 1859.

WELTON, ROBERT, Flour Factor, Holloway-rd. (who died at Guernsey on Aug. 27, 1859). Armstrong, Solicitor, 33 Old Jewry. Dec. 1.

Winding-up of Joint Stock Company.

LIMITED, IN BANKRUPTCY.

FRIDAY, *Oct.* 21, 1859.

BOG MINING COMPANY, LIMITED.—Nov. 3, at 12; Basinghall-st.; to settle the amended List of Contributories in Class A.

Assignments for Benefit of Creditors.

TUESDAY, *Oct.* 18, 1859.

BENTLEY, JOHN, Florist, Gresham-st., London. Sept. 30. *Trustees*, A. Bessan, Commission Agent, Paris; J. Jones, Gent., Ely-pl. *Sols.* Flux & Argles, 68 Cheapside.

CHAPMAN, JOHN, Baker, York-hill, Loughton. Oct. 4. *Trustees*, M. H. Chapman, Baker, Woodford; S. Garratt, Miller, Roydon Mills, Essex. *Sol.* Glynes, 8 Crescent, America-sq.

GARNETT, ROBERT SMITH, Tailor, 30 Ashley-cres., City-rd. Oct. 4. *Trustee*, C. J. Leaf, Warehouseman, Old Change. *Sol.* Jones, 15 Size-lane.

HOLDEN, WILLIAM, & WILLIAM ROBERT HOLDEN, Coal Merchants, Britannia Wharf, Southampton. Sept. 19. *Trustee*, S. S. Hill, Gent., Norwich. *Sols.* Tuke, 31 St. Swithin's-lane; or Turner, 68 Aldermanbury.

JONES, HENRY ALFRED, Wine Merchant, Chester. Sept. 23. *Trustees*, J. G. Shaw, Ironmonger, Chester; T. Bretherton, Agent, Liverpool. *Sol.* Ford, Chester.

JORDAN, WILLIAM HEATH, & WILLIAM HENSMAN JORDAN, Coal Merchants, Lydney, Gloucestershire. Sept. 21. *Trustee*, W. Trafford, Coal Agent, Blakeney. *Sols.* Carter & Goold, Newnham.

KIRBY, JOSEPH, Draper, Buckingham. Sept. 28. *Trustees*, G. B. Grestorex & S. Wreford, Warehousemen, Aldermanbury. *Sols.* Davidson, Bradbury, & Hardwick, Weavers' Hall.

WARD, FRANCIS, Surgeon, Clapham-rd. Oct. 4. *Trustee*, B. Taylor, Brush Maker, 17, City-rd. *Sol.* Surr, 12 Abchurch-lane.

FRIDAY, *Oct.* 21, 1859.

CHARLES, THOMAS, Italian Warehouseman, 12 Old Bond-st. Oct. 14. *Trustee*, J. Stewart, Foreign Warehouseman, 11 Old Broad-st. *Sol.* Biggenden, London.

COLCLOUGH, DANIEL, Builder, Chesterton, Staffordshire. Oct. 10. *Trustees*, W. Mellard, Ironmonger, Newcastle-under-Lyne, and G. Leighton, Grocer, Chesterton. *Sol.* Sherratt, Talk-on-the-Hill, Staffordshire.

CROPPER, JOHN, & THOMAS LAMB, Builders, Liverpool. Oct. 1. *Trustee*, T. Hancox, Slater, Liverpool. *Sol.* Cotton, Bootle Mount, near Liverpool.

FLATHER, HENRY, Lace Manufacturer, Nottingham. Sept. 21. *Trustees*, L. Samuels & H. Samuels, Commission Agents, Nottingham. *Sol.* Shelton, Nottingham.

HAST, PHILIP COCKRELL, Gunsmith, Colchester. Sept 27. *Trustees*, T. Hall, Tailor, Colchester; B. Smith, Gun Manufacturer, Birmingham; C. Osborne, Gun Manufacturer, Birmingham. *Sol.* Philbrick, Church-lane, Colchester.

WELCH, THOMAS, Chemist, Fairfield, Liverpool. Sept. 24. *Trustees*, H. Welch, Grocer, Lancaster; T. Dod, Wholesale Druggist, Liverpool. *Sol.* Dod, Liverpool.

Bankrupts.

TUESDAY, *Oct.* 18, 1859.

BEVAN, RICHARD, Wine Merchant, Liverpool. *Com.* Perry: Oct. 28, and Nov. 17, at 12; Liverpool. *Off. Ass.* Cazenove. *Sols.* Fletcher & Hull, Liverpool. *Pet.* Oct. 11.

BISHOP, DAVID WILLIAMS, & JOHN FOX-FARBRIDGE East India Merchants, 69 Cornhill. *Com.* Holroyd: Nov. 1, at 12.30; and Dec. 6, at 12; Basinghall-st. *Off. Ass.* Lee. *Sols.* Wood & France, 8 Falcon-st. *Pet.* Oct. 14.

BISHOP, FRANCIS WILLIAM, Navy Agent, 15 Surrey-st., Strand (Goode & Co.) *Com.* Holroyd: Nov. 4, at 12; and Dec. 6, at 1; Basinghall-st. *Off. Ass.* Lee. *Sols.* Wilkinson & Stevens, 2 Nicholas-lane; or Clarke & Horlee, 2½ Coleman-st. *Pet.* Oct. 3.

CLABROUGH, SAMUEL, Broker, Kingston-upon-Hull. *Com.* Ayrton: Nov. 4 & 30, at 12; Kingston-upon-Hull. *Off. Ass.* Carrick. *Sols.* England & Sazelbye, Kingston-upon-Hull. *Pet.* Oct. 8.

CRANFIELD, JEREMIAH, Cooper, Colchester. *Com.* Holroyd: Oct. 27, at 11; and Dec. 6, at 1; Basinghall-st. *Off. Ass.* Watkin. *Sol.* Jones, Colchester. *Pet.* Oct. 14.

CROW, JAMES, Upholsterer, 3 New Park-rd., Brixton (James Crow Russell). *Com.* Fane: Oct. 26, and Nov. 25, at 1; Basinghall-st. *Off. Ass.* Whitmore. *Sol.* Moss, 23 Moorgate-st. *Pet.* Oct. 18.

FILMER, ROBERT REYNOLDS, Butcher, Great Norwood-st., Cheltenham. *Com.* Hill: Nov. 3, and Dec. 6, at 11; Bristol. *Off. Ass.* Acraman. *Sols.* Pruen, Cheltenham; or Abbot, Lucas, & Leonard, Bristol. *Pet.* Oct. 17.

JAMES, GEORGE, Butcher, Hanley, Staffordshire. *Com.* Sanders: Oct. 26, and Nov. 14, at 11; Birmingham. *Off. Ass.* Whitmore. *Sol.* Smith, Birmingham. *Pet.* Oct. 13.

MORRIS, THOMAS, Joiner, Long Eaton. *Com.* Sanders: Nov. 8 & 29, at 11.30; Nottingham. *Off. Ass.* Harris. *Sols.* Clarke, Rothera & Carter, Nottingham. *Pet.* Oct. 13.

NEUMANN, JOSEPH, Boot & Shoe Maker, Bell-st., Birmingham. *Com.* Sanders: Oct. 31, and Nov. 23, at 11; Birmingham. *Off. Ass.* Whitmore. *Sol.* East, Birmingham. *Pet.* Oct. 4.

RADFORD, JOHN HIXSON, Lace Maker, Nottingham. *Com.* Sanders: Nov. 8 & 29, at 11.30; Nottingham. *Off. Ass.* Harris. *Sols.* Cowley & Everall, Nottingham. *Pet.* Oct. 10.

FRIDAY, *Oct.* 21, 1859.

BOURNE, CHARLES, Grocer, Sutton-upon-Trent, Nottinghamshire, late of South Clifton. *Com.* Sanders: Nov. 8 and 29, at 11 30; Nottingham. *Off. Ass.* Harris. *Sols.* Plaskitt, Gainsborough; or Hodgson & Allen, Birmingham. *Pet.* Oct. 11.

DRAY, WILLIAM (William Dray & Co.), Farmer, Farningham, Kent. *Com.* Fane: Nov. 5, at 11; and Dec. 2, at 12.30; Basinghall-st. *Off. Ass.* Cannan. *Sols. J. & J. H.* Linklaters & Hackwood, 7 Walbrook. *Pet.* Oct. 21.

DENCH, FREDERICK HENRY, Currier, 24 High-st., Poplar. *Com.* Holroyd: Nov. 4, and Dec. 6, at 2; Basinghall-st. *Off. Ass.* Lee. *Sol.* Ratcliff, Dean Collet-house, Stepney. *Pet.* Oct. 18.

GENTILE, CHARLES, Merchant, 8 Crosby-sq., Bishopsgate-st. *Com.* Nov. 4, at 2; and Dec. 2, at 12; Basinghall-st. *Off. Ass.* Cannan. *Sols.* Lawrance, Plews, & Boyer, 14 Old Jewry-chambers. *Pet.* Oct. 19.

KERSTEN, LOUIS, Importer of Fancy Goods, 76 Newgate-st. *Com.* Evans: Oct. 31, at 2; and Nov. 25, at 12.30; Basinghall-st. *Off. Ass.* Bell. *Sols.* Humphreys & Morgan, Giltspur-chambers, Newgate-st. *Pet.* Oct. 20.

KINKEAD, WILLIAM, Corn Merchant, Liverpool. *Com.* Perry: Nov. 4, and Dec. 2, at 11; Liverpool. *Off. Ass.* Turner. *Sol.* Bancer, Liverpool. *Pet.* Oct. 18.

LUSTY, JESSE, Smallware Dealer, 86 Crown-st., Liverpool. *Com.* Perry: Nov. 3, and Dec. 2, at 1; Liverpool. *Off. Ass.* Bird. *Sols.* Hodgson & Allen, Birmingham; or Bardswell, Littledale, & Bardswell, Liverpool. *Pet.* Oct. 15.

McCLURE, JAMES, General Merchant, late of Manchester, now of Sale, Chester. *Com.* Jemmett: Nov. 2 and 30, at 12; Manchester. *Off. Ass.* Fraser. *Sols.* Sale, Worthington, Shipman, & Seddon, Manchester. *Pet.* Oct. 14.

NAYLOR, WILLIAM HENRY, Builder, Wisbeach, St. Peter, Cambridgeshire. *Com.* Fane: Nov. 4, at 1; and Nov. 25, at 2; Basinghall-st. *Off. Ass.* Whitmore. *Sols.* Abbott, Jenkins, & Abbott, 8 New-inn; Watson & Son, Wisbeach. *Pet.* Oct. 19.

TOWNSEND, JAMES PICK, Grocer, Drybrook, Gloucestershire. *Com.* Hill: Nov. 1 and Dec. 5, at 11; Bristol. *Off. Ass.* Acraman. *Sol.* Robinson, jun., Mitcheldean. *Pet.* Oct. 19.

WHEELER, JOHN, Builder, Coventry. *Com.* Sanders: Oct. 31, and Nov. 21, at 11; Birmingham. *Off. Ass.* Kinnear. *Sols.* Browett, Coventry; Jaques & Knight, Birmingham. *Pet.* Oct. 1.

BANKRUPTCIES ANNULLED.

TUESDAY, *Oct.* 18, 1859.

CURTIES, THOMAS STEPHEN, Cheesemonger, York-st., Westminster. Oct. 13.

FRIDAY, *Oct.* 21, 1859.

MACHIN, JOHN, Innkeeper, Birmingham. Oct. 20.

MORGAN, JOHN, Cattle Dealer, Cardiff. Oct. 17.

MEETINGS FOR PROOF OF DEBTS.

TUESDAY, *Oct.* 18, 1859.

BARDGETT, WILLIAM, & JOHN PICARD, Corn Factors, Mark-lane (Bardgett & Picard). Nov. 10, at 1; Basinghall-st.

CLEAVER, WILLIAM, Licensed Victualler, Great Stanmore. Nov. 10, at 12; Basinghall-st.

GAUTIER, FRANCOIS, Merchant, Crutched Friars (Wood, Gautier, & Company). Nov. 9, at 11; Basinghall-st.

HANRATT, CHARLES, Iron Merchant, 2 Royal Exchange-bldgs. Nov. 8, at 2; Basinghall-st.

HARRIS, STEPHEN, Ironmonger, Kingston-upon-Thames. Nov. 9, at 11.30; Basinghall-st.

NORRIS, WILLIAM, & JANE NORRIS, Ship and Anchor Smiths, Liverpool (W. & J. Norris). Sept. est. W. Norris, Nov. 17, at 11: Liverpool.

OLIVER, JOHN, Timber Merchant, Worship-st. Nov. 10, at 11; Basinghall-st.

PICKFORD, THOMAS EDWARD, Commission Agent, Manchester. Nov. 8, at 12; Manchester.

WINSTANLEY, JOHN, CHARLES HOUGHTON, & GEORGE RAPER HARVEY, Comb Manufacturers, Liverpool (Winstanley, Houghton, & Company). Nov. 9, at 11; Liverpool.

FRIDAY, *Oct.* 21, 1859.

ALLISON, JOSEPH, Provision Merchant, Stockton-upon-Tees. Nov. 14, at 12.30; Newcastle-upon-Tyne.

BALDWIN, HENRY, & JOHN BALDWIN, Tailors, 31 Cornhill (Henry Baldwin carrying on business separately at 62 Cheapside). Nov. 14, at 12.30; Basinghall-st.

BEATNEY, FREDERICK CHARLES, Bookseller, 2 Warwick-sq. Nov. 12, at 11.30; Basinghall-st.

BOOTH, WILLIAM, Merchant, Halifax. Nov. 15, at 11; Leeds.

CHAPMAN, JAMES, Grocer, Seven Oaks. Nov. 11, at 11; Basinghall-st.

CHANTRELL, JAMES, Money Scrivener, Farnese-hill, Woolwich. Nov. 14, at 11; Basinghall-st.

COULTHARD, EDWARD, Bottle Merchant, Dowgate-wharf, 83 Upper Thames-st. Nov. 14, at 1.30; Basinghall-st.

GORDON, ROBERT, Ironfounder, Heaton Norris, Lancashire (Robert Gordon & Co.) Nov. 11, at 12; Manchester.

HADDON, JAMES, Miller, Fing, Southampton. Nov. 11, at 11; Basinghall-st.

HAWLEY, CHARLES, Grocer, Tipton, Staffordshire. Nov. 14, at 11; Birmingham.

NEWAT, JOHN COOPER, Pork Butcher, Wolverhampton. Nov. 14, at 11; Birmingham.

PARTON, HENRY RANCER, Grocer, Trafalgar-rd., Greenwich. Nov. 11, at 2; Basinghall-st.

SCOTT, JOSHUA, Cloth Manufacturer, Thackley, Yorkshire. Nov. 15, at 11; Leeds.

SICHEL, GUSTAVUS, Merchant, 27 New Broad-st. (Gustavus Sichel & Co.) Nov. 14, at 11.30; Basinghall-st.

SZORADI, JOHN, Glass & Lead Merchant, Kidderminster. Nov. 14, at 11; Birmingham.

SQUIRES, WILLIAM, Gun Maker, 315a Oxford-st. Nov. 11, at 1.30; Basinghall-st.

CERTIFICATES.

To be ALLOWED, *unless Notice be given, and Cause shown on Day of Meeting.*

TUESDAY, *Oct.* 18, 1859.

CAUGHEY, ALEXANDER, & SAMUEL LANDER, Joiners, Bolton-le-Moors. Nov. 8, at 12; Manchester.

HARDWICKE, JOSEPH, & HENRY JONES (in co-partnership with Nathan Maurice), Merchants, 17 Gracechurch-st.-chambers (Hardwicke, Jones, & Maurice), Odessa (Maurice & Company). Nov. 9, at 2; Basinghall-st.

PARKER, BENJAMIN, Merchant, Sufferance-wharf, Millwall, a Prisoner for Debt. Nov. 9, at 12; Basinghall-st.

FRIDAY, *Oct.* 21, 1859.

ALEXANDER, FRANCIS, Auctioneer, Chippenham. Nov. 21, at 11; Bristol.

BOOTH, WILLIAM, Merchant, Halifax. Nov. 14, at 11; Leeds.

CLAYTON, JAMES, & BENJAMIN LOCKWOOD, Silk Spinners, Rastrick, Yorkshire. Nov. 14, at 11; Leeds.

DANCE, JOHN, & HENRY WANE, Grocers, Fairford, Gloucestershire. Nov. 14, at 11; Bristol.

FOOT, WILLIAM, Builder, 6 Victoria-ter., New Cross. Nov. 11, at 1.30; Basinghall-st.

GOODWIN, CHARLES JOHN, Tavern Keeper, Hulme, Manchester, formerly carrying on business at Chesterfield. Nov. 15, at 12; Manchester.

HEATH, ANTHONY, Provision Dealer, Sheffield. Nov. 12, at 10; Sheffield.

HOBBS, HENRY, & GEORGE TILLEY, Brickmakers, St. George's-wharf, Cambridge-st., Old St. Pancras-rd., and of Victoria-wharf, Earl-st., Blackfriars. Nov. 11, at 12.30; Basinghall-st.

MITCHELL, HENRY, Butcher, High-st., Ryde, Isle of Wight. Nov. 11, at 11.30; Basinghall-st.

MORRILL, JOHN, Apothecary, Macclesfield. Nov. 11, at 12; Manchester.

MOSS, FANNY, Milliner, Mansfield. Nov. 12, at 10; Sheffield.

NICOL, THOMAS ALEXANDER, Upholsterer, 110 Sloane-st., Chelsea, and of 5 Pembroke-pl., Spring-grove. Nov. 14, at 1; Basinghall-st.

PEARSON, JOHN MORLEY, Builder, Coatham, Yorkshire. Nov. 11, at 11; Leeds.

STENTON, JOSEPH, Corn Dealer, Thorpe-common, Yorkshire. Nov. 12, at 10; Sheffield.

STONES, JOHN CHARLES, & JOHN SAWYER, Tool Manufacturers, Sheffield. Nov. 12, at 10; Sheffield.

WINDUS, ARTHUR EDWARD, Scarf Manufacturer, 20 Aldermanbury (A. E. Windus & Co.) Nov. 14, at 11; Basinghall-st.

To be DELIVERED, *unless* APPEAL *be duly entered.*

TUESDAY, *Oct.* 18, 1859.

ARMITSTEAD, JAMES, Grocer, Burnley. Oct. 10, 2nd class.

STANLEY, EDWARD ROBERT, Jeweller, 6 Kirby-st., Hatton-garden. Oct. 11, 2nd class; Certificate suspended for 12 months.

FRIDAY, *Oct.* 21, 1859.

ALLISON, JOSEPH, Provision Merchant, Stockton-upon-Tees. Oct. 17, 3rd class; subject to suspension until Jan. 17.

BARNES, PHILIP ABRAHAM, & JOHN BARNES, Woolstaplers, Blandford Forum, Dorset. Oct. 15, 2nd class.

DRUCE, THOMAS ALLEN, Innkeeper, Witney. Oct 12, 2nd class.

TRIGG, HARRY RICHARD, Builder, late of Kingston-upon-Thames and Esher, now of the Queen's Bench Prison. Oct. 18, 3rd class.

Scotch Sequestrations.

TUESDAY, *Oct.* 18, 1859.

ADAMS, JAMES WHITE, Solicitor, 1 Melville-st., Portobello, late of Martock, Somersetshire. Oct. 22, at 12; Stevenson's-rooms, Edinburgh. *Sol.* Oct. 14.

M'LAREN, DUNCAN, Grocer, Alma-pl., Paisley-rd., Glasgow. Oct. 28, at 12; Faculty-hall, Glasgow. *Sol.* Oct. 17.

FRIDAY, *Oct.* 21, 1859.

ADIE, ANDREW, Accountant (lately residing in Glasgow). Oct. 28, at 2; Globe-hotel, Glasgow. *Sol.* Oct. 18.

CAMPBELL, ALEXANDER, Road Contractor, Grantown, deceased. Nov. 2, at 12; Caledonian-hotel, Inverness. *Sol.* Oct. 17.

HASTIE, WILLIAM, Draper, Dumfries. Oct. 28, at 1; Commercial-hotel, Dumfries. *Sol.* Oct. 17.

JOHNSTON, ROBERT, Brickmaker, Alma-pl., Paisley-rd., Renfrewshire. Oct. 28, at 12; Globe-hotel, Paisley. *Sol.* Oct. 17.

SOMERVILLE, ANDREW, Merchant, Leith, Oct. 29, at 2; New Ship-hotel, Leith. *Sol.* Oct. 18.

THOMSON, GEORGE, Miller, Lady Mill, King-st.-rd., Aberdeen. Nov. 1, at 2; Lemon Tree-tavern, Aberdeen. *Sol.* Oct. 18.

THOMPSON, WILLIAM (late of the Ballingamy Coal Company, Tipperary). 6 West Register-st., Edinburgh. Oct. 26, at 3; Stevenson's-rooms, Edinburgh. *Sol.* Oct. 18.

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The Subscription to the SOLICITORS' JOURNAL AND WEEKLY REPORTER, *is 2l. 12s. per annum, and for the* JOURNAL *without* REPORTS *1l. 14s. 8d., which includes all Supplements. Title, Index, &c. &c. Post Office Orders crossed "& Co.," should be made payable to* WILLIAM DRAPER, *59, Carey-street, Lincoln's-inn, at the* BRANCH MONEY-ORDER OFFICE, CHANCERY-LANE, W.C.

"An Enquirer." Next week.

"A Subscriber." The advertisement to which you allude will not be repeated. It was inserted in error.

THE SOLICITORS' JOURNAL.

LONDON, OCTOBER 29, 1859.

CURRENT TOPICS.

The sanguine expectations which we entertained as to the London meeting of the Metropolitan and Provincial Law Association during the past week have been more than fulfilled, as may be gathered from the very full report of the proceedings which we have been enabled to present to our readers. Representatives of the profession from nearly all the great provincial towns have been present, and have met with the most cordial reception from their metropolitan brethren. The address of the President, Mr. Beaumont, appears in our report, and speaks for itself. It is no slight eulogy to say that it is worthy of the successor of such men as Mr. Strickland Cookson and Mr. Arthur Ryland. It deals with subjects of great interest to the profession in a high-minded and comprehensive spirit, and is altogether so learned and able a performance, as that the solicitors and attorneys of England may well have been proud of seeing it given at such length in the morning journals, and of finding that it has excited so much attention outside the profession. It is impossible for us, of course, this week, to do much more than to give in addition the titles of the papers read, and the names of their authors. We have the satisfaction, however, of announcing that we shall, in our ensuing numbers, publish at least those papers which are of the most general interest. They will, perhaps, furnish the best answers which can be given to those who affect to consider the labours of the Association as supererogatory, and the Association itself as exhibiting symptoms of atrophy. The most remarkable feature which has characterised the recent gathering, and that which has been most cordially hailed, both by metropolitan and provincial members equally, is the strong desire for a thorough union of action, as it appears there is of sentiment, between town practitioners and those in the country. On the only subjects which can be be said to give rise to any warmth of discussion, it is found to have been a mere delusion to suppose that it was any question of London against the provinces. The registration of title scheme, and question of improved educational test for admission into the ranks of the profession, have zealous advocates, for and against, both in London and the provinces. The recent meeting has shown the great advantage to be derived from the calm and dispassionate discussion of such subjects by gentlemen of learning and great practical experience. For our own part, we trust that the cordial demonstration of this week, between the metropolitan and provincial members of the Association, and the earnest and repeated appeals for a more complete union and co-operation between them, which have come from the foremost solicitors of the metropolis, and of our great provincial towns, may not be without an immediate and visible beneficial result to the profession.

It is said that Sir Richard Bethell intends to make a new effort to consolidate the statute-book, and that several plans having been submitted to him, he has adopted one of them, and entrusted the task to Mr. F. S. Reilly and Mr. Wood, both of whom were employed by the late Statute Law Commission in preparing an index or register to the statutes. We are not acquainted with the details of the plan which has received the approbation of the Attorney-General, but the character of both the gentlemen to whom the work has been assigned, judging from their recent labours under the defunct Commission, is calculated to inspire confidence in the result of the present undertaking.

We insert in another column two letters that have appeared in the *Liverpool Daily Post* respecting an important contest that the Liverpool solicitors are carrying on against their Town Council as to the appointment of a second stipendiary magistrate. Being foiled by the Council our Liverpool brethren have appealed to the burgesses, and are carrying on an active contest to get one of their own body elected at the ensuing municipal election, as councillor for the most important ward in the town. We heartily wish them success, and consider that they are, in fact, fighting the battle of the profession in general. Their efforts, if successful, must have the effect of raising the public standing of the whole body in our great manufacturing towns.

No lawyer can be indifferent to a contest in which professional knowledge undertakes to wage war against the incompetency of a lay administration of the law, and we feel sure that the merits of the case only need to be fairly explained to bring over the public to the side of the lawyers on this question.

THE CONCEALMENT CLAUSE OF "THE LAW OF PROPERTY ACT."

The provisions contained in Lord St. Leonards' Law of Property Act of last session, which relate to the concealment of title deeds by a vendor or by his solicitor, appear likely to be attended with such results as we anticipated at the time when the Bill was before Parliament. We insert below a communication from a member of the profession, whose position and experience entitle him to speak with some authority on this subject. In the letter to which we refer, it is clearly shown that the clause in question can only embarrass the relations of vendor and purchaser, and make the transfer of land much more costly than it now is. Any prudent solicitor of a vendor henceforth will feel that he has no option in nine cases out of ten, but to deliver to the purchaser, at least a schedule of *all* deeds of which he has any information—and whether they are in his possession or not—any way relating, or which, by possibility, may relate, to the title. So long as the law remains as it is, no solicitor can venture, without risk to himself, to exercise his judgment about the necessity of abstracting, or, at all events, scheduling, any past and gone mortgage transaction within his knowledge, and whether, in a register county or not; no matter how certain he may be of the complete discharge of the incumbrance. The enormously increased expense to which the vendor would thus be exposed — supposing that he is bound to deliver an abstract of all such deeds—will of course in practice be prevented by some such condition of sale as "S. G." suggests, thus shifting the entire burden—beyond the preparation of a schedule—upon the purchaser. The

vendor will stipulate that neither he nor his solicitor shall be called upon to do more than they are now required to do, except to deliver a schedule of every deed which may possibly affect the estate to be sold; and it is not quite clear that he might not stipulate so as to get rid of the liability which otherwise the statute would impose upon him and his solicitor, even as to the schedule. But assuming at least the schedule, and that only, to be inevitable, it is obvious that so far from such a practice tending to prevent fraud on the part of the vendor or his solicitor, it promises to supply a very convenient instrument of fraud. If it be intended to hide some dealing with the land which the purchaser ought to know, what safer or more effectual mode of accomplishing that object can be suggested than such as a schedule of this description would afford. Fixing the period for the commencement of the abstract at a date subsequent to the transaction which it is desired to conceal, it is evident that the greater the number of deeds that shall be crowded into the schedule, and the more irrelevant the majority of them are in fact—though perhaps not apparently so—to the real question of the vendor's title, the more scrupulous will appear to have been the conduct of the vendor's solicitor, and the less likely, therefore, will the purchaser be to suspect a contrivance. At all events, the chance of detection will generally be in the inverse ratio of the number of scheduled deeds, inasmuch as, *ceteris paribus*, the larger the number of deeds the more there will be to distract the attention of the purchaser from whatever it is desired to conceal.

If the 24th section of Lord St. Leonards' Act, therefore, is intended for the benefit of the purchaser only, or if Parliament still entertains the desire to cheapen and facilitate the transfer of land, the sooner it is repealed the better. Nor can we come to any other conclusion, even assuming the enactment to have been passed mainly upon considerations of public policy, and merely as part of the criminal law of the land. The letter of "S. G." is as follows:—

To the Editor of THE SOLICITORS' JOURNAL.

Agreeing, as I do, with the general scope of your observations on Lord St. Leonards' Act of last session, I am desirous to elicit the opinion of my professional brethren on the effect of the 24th clause, which read shortly, runs as follows:—

"Any seller or mortgagor of land, or solicitor, or agent of any such seller or mortgagor, who shall, after the passing of this Act, conceal any settlement, deed, will, or other instrument, *material to the title*, or any incumbrance from the purchaser" (mortgagee is omitted), "in order to induce him to accept the title produced to him with intent to defraud, shall be guilty of a misdemeanour, and being found guilty, shall be liable, at the discretion of the Court, to such fine or imprisonment for any time not exceeding two years, with or without hard labour, or to both, as the Court shall award; and shall also be liable in damages, at the suit of the purchaser or mortgagee, for any loss sustained by him in consequence of the settlement, deed, will, or other instrument so concealed, but no prosecution shall be commenced without the sanction of the Attorney-General."

Heretofore it has been the practice of the solicitor of a vendor or mortgagor to select out of the mass of the title deeds of his client, which may be in his possession, and which in most cases would carry back the title for two or three hundred years past, those deeds and instruments which will deduce the title for the last sixty years only, or even for a shorter period, if his client is guarded by conditions of sale, which obviate the necessity for showing a sixty years' title. The discretion which he exercises in this respect is most delicate, for his pecuniary interest would lead him to include in the abstract of title, every deed which relates to the property, seeing that the amount of his remuneration depends solely upon the length of the abstract; whilst his duty to his client renders it incumbent on him to exclude from the abstract any deed that is unnecessary, and thus to curtail his own fees for preparing it.

It appears to me that the intention of the Legislature, as expressed by this clause, must be considered to be, that the solicitor shall disclose to a purchaser or mortgagee every instrument of title relating to the estate sold, or to be mortgaged, which may be in his possession, or within his knowledge, upon pain of being liable to indictment, if any such instrument not disclosed should turn out to be material to the title. Of course he ought not to be convicted, unless an intention to defraud should also be proved, but an acquittal under such circumstances would be but a sorry consolation to a number of an honourable profession, who, for having acted honestly and conscientiously towards his client, should find himself in the dock of the Old Bailey. What protection would the "sanction of the Attorney-General" afford? He cannot be expected to try the merits. The proof of the facts that the solicitor had the deed in his possession, that it was material to the title, and that he did not disclose it, would be quite sufficient for obtaining the Attorney-General's fiat, and I suspect also for the grand jury finding the bill. The question of fraud would be left to the grand jury, and I am afraid that in the prosecution of a solicitor under the Act, the odds of a fair trial would be greatly against him.

I do not feel disposed to run the risk of subjecting myself to any such indictment, and, whenever I am acting for a vendor, I shall take care to give to the purchaser notice of every deed in my possession or within my knowledge relating to the property sold, without taking upon myself the responsibility of deciding whether it is or is not *material to the title*, and I suspect that that will be the general feeling of the profession. But then comes the question, how is that notice to be given so as not to involve the vendor in more expense than can be avoided? The vendor's solicitor may deliver an abstract deducing a sixty years' title, accompanied with a schedule of all the other deeds in his possession, or within his knowledge. Will not the purchaser be entitled to require the delivery of an abstract of all these deeds at the vendor's expense, although a good title may be deduced by the abstract originally delivered? According to the practice hitherto adopted, the earlier title deeds not abstracted were not produced or noticed during the investigation of the title, and when the purchase was completed, they were handed over to the purchaser's solicitor, who would deposit them with the later deeds without looking into them. Now the purchaser's solicitor will in the outset have distinct notice of the contents of all these earlier deeds. Will he not be under the necessity of submitting the abstract of them, as well as of the later title, to his conveyancer, in all cases in which counsel's opinion is required?

To meet the difficulty, as regards the vendor, a condition of sale might be framed to this effect:—"The vendor will deliver an abstract of his title, commencing with a conveyance dated in ——, and will declare a good title subject to these conditions; he will also deliver a schedule of all the earlier and other title deeds in his possession or power, but no objection shall be taken to the title in respect of any matter appearing upon such earlier deeds, nor shall the purchaser be entitled to any abstract of such earlier deeds, except at his own expense."

If, as I assume, a bad title could not be forced upon the purchaser under such a condition, would not his solicitor be responsible for the consequences if he failed to require an abstract and to investigate the earlier title deeds, with direct notice of which he would thus, in every case, be affected? If it be said that he would be relieved from such responsibility, by acting under the sanction of counsel, will counsel be likely to advise that the investigation of the earlier title can safely be dispensed with in cases in which neither the solicitor nor the counsel have any knowledge of the contents or purport of the earlier deeds?

If the view which I take of the effect of the clause is correct, it will work a most serious increase of the expense and delay now attending all dealings with landed property, and will go a long way towards neutralizing all the attempts hitherto made by the Legislature to diminish that expense and delay. I have reason to know that both the Incorporated Law Society, and the Metropolitan and Provincial Law Association, did all in their power to open the eyes of Parliament to the mischievous effects of the clause, but without success. The noble lord who introduced the Bill into the House of Lords, and the right honourable gentleman who took charge of it in the Commons, were deaf to all the representations made to them, and the attempt to induce the committee of the Commons to discuss the merits of the clause was equally futile, as might be expected in the case of a Bill hurried through that stage in the last week of the session.

S. G.

CHAMBER BUSINESS AND JURY TRIALS IN CHANCERY.

A lengthened report of the very able and interesting paper read by Mr. Daniel, Q.C., of the Chancery bar, on the subject of the Reforms recently effected in the Court of Chancery, will be found elsewhere in our columns. This paper was read before the Jurisprudence Department of the National Association for the Promotion of Social Science, at their Bradford meeting, over which, as our readers are aware, V. C. Sir W. Page Wood presided.

The paper deals with three subjects:—1. The transaction of business in the Judges' Chambers; 2. The present mode of taking evidence in suits before the hearing; 3. The mode of trying disputed facts at the hearing. The paper also glances at the question of the administration of equity in local jurisdictions, pointing attention to the operation of the system in the Court of Chancery of the County Palatine of Lancaster, of which Mr. W. M. James, Q.C., is Vice-Chancellor. The paper led to an animated discussion in the section, in the course of which the Right Honourable Joseph Napier, the ex-Lord Chancellor for Ireland, took part, and after expressing a hearty concurrence in the views expressed by Mr. Daniel as to the evils and imperfections of the present system of taking evidence and dealing with the trial of disputed facts, Mr. Napier stated, as the result of his judicial experience in Ireland, that he had not, nor to his knowledge had the Master of the Rolls in Ireland, experienced any practical difficulty whatever in having witnesses examined *viva voce* in open court at the hearing; and that the evils of the "examiner" system had been found so great, that upon a vacancy occurring in the office of one of the examiners, the Master of the Rolls, whose patronage it was, had with his, Mr. Napier's, full concurrence, abstained from filling up the vacancy. Mr. Napier also stated that no difficulty had been experienced in summoning juries for the trial of issues, in the Court of Chancery, in Ireland; but added, that this might probably be owing to the fact that the members of the Irish bar still continued the practice, which once prevailed at the English bar, as in the days of Lord Thurlow, Lord Eldon, and Sir Samuel Romilly, of practising both in the courts of Common Law and Equity, and thus, though the procedure was new in Chancery, neither the advocates nor the judges were oppressed by its novelty. Mr. Napier added a very valuable suggestion to the effect that the equity judges might have the power of calling in a common judge to assist them in presiding over the trial by jury upon *questions of fact*, just as now they have the power of obtaining the like assistance upon the argument of *questions of law*. V.C. Wood acknowledged the great importance of the views propounded, but abstained from expressing any opinion on the subject, as he was a member of the Commission recently appointed to inquire into the mode of taking evidence in Chancery and its effects. He promised, however, that the subject of the paper and the effect of the discussion should be brought before the Commissioners. Without being understood either to assent to or dissent from the views and opinions of Mr. Daniel, we recommend the paper to the perusal of our professional brethren as containing the opinions upon important practical questions of a gentleman who is not a mere theorist, but has a working experience of the subjects with which he deals; for we believe Mr. Daniel has had some experience of Common Law business, having been for several years a member of the Midland Circuit, and, if we understood him rightly at Bradford, has had experience of business in a solicitor's office. Some of the leading men in our equity courts are considered somewhat apathetic, if not averse, to extensive changes in the system to which they have grown familiar; but this does not appear to be the case with Mr. Daniel, for, judging from his paper, he looks forward to very extensive changes as feasible, if not desirable. And he seems to contemplate not only without dismay, but with satisfaction, the realization of the scheme propounded by the Chancery Commissioners in their report of July, 1852, of blending our courts of Common Law and Chancery into one court of Universal Jurisdiction in Civil Cases. A scheme which, though very appalling to some, Mr. Daniel seems to concur with the Commissioners in considering at once simply of procedure. Deeming that in all matters of legal reform the true interests of the profession and the public, when both are rightly understood, are not opposed to each other, we think we are forwarding the interests of both the profession and the public by making the columns of our journal the vehicle for free and unprejudiced discussion upon all important questions of legal changes, such as those suggested by the perusal of Mr. Daniel's paper.

The Courts, Appointments, Vacancies, &c.

GUILDHALL.—*Oct. 27.*

Mr. David Hughes, the bankrupt solicitor, was again brought up before Alderman Lawrence for examination relative to the various frauds with which he is charged. The Court was again crowded to excess by persons interested in the bankrupt's affairs.

Mr. *Poland*, for the prosecution, said, on the last occasion I proposed to go into a fresh case, of a different description from those I have already placed before the Court, but as a material witness in that case is unavoidably absent, I am not prepared to go into it, and I do not feel in a position to ask for a further remand to enter upon another charge while there are so many completed. I have, therefore, to ask you, sir, for the committal of the bankrupt upon all the charges, and, should we decide upon prosecuting in other cases, the bankrupt's legal advisers shall have due notice thereof before the trial.

Alderman LAWRENCE said:—I did not wish to throw any impediment in the way of such an important prosecution; but I thought on the last occasion the number of cases completed quite sufficient to send for trial.

Mr. *Martin* (Chief Clerk).—It will be necessary to have a formal remand, as several of the witnesses who have been examined are not present; at the same time the whole case is so far complete, that the bankrupt's advocate may now make any observations on the evidence he may think desirable.

Mr. *Morgan*, for the defence, said:—With reference to the variety of charges of which the bankrupt is accused, of course I am perfectly aware it is your intention to commit upon the whole of them, so that it would be perfectly useless, and, perhaps, mischievous, for me to point out how all these cases may be answered; but, at the proper time, they will be answered—and that, too, in a manner that will place Mr. Hughes before the public in a much better light than ever he stood before. The prosecution have been floundering about in a mass of illegal evidence for the last two or three weeks, showing how much they were at a loss to establish anything like a clear case against the bankrupt. There is no doubt the bankrupt left this country under very heavy liabilities, but that is the old story of nearly every bankrupt who is heavily involved. With regard to the amount of liabilities, which have been stated at £200,000, I may say that the total amount does not exceed £150,000, nearly the whole of which are amply secured. The debts proved under the bankruptcy do not amount to more than £30,000; and what, therefore, becomes of the rest of the liabilities, if they are not secured? That Mr. Hughes has committed great irregularities I will not deny, but they will all ultimately be cleared up, and these charges of fraud will be found to be utterly groundless. I think it is only fair to Mr. Hughes to make this statement, in order that the public may the better understand the real facts of the case.

Mr. *Poland* said:—There is no doubt the proofs only amount to £30,000, but it is perfectly clear that the unsecured liabilities amount to over £100,000, so that Mr. Morgan's statement must be taken only for what it is worth.

Mr. *Morgan*.—If the estate be properly realised you will find my statement correct.

Alderman LAWRENCE said:—It is my intention to commit the bankrupt for trial on all the charges brought against him. The evidence in support of the charge of fraudulently absconding, and not surrendering to his bankruptcy, is not even questioned by Mr. Morgan; and, with regard to the other charges,

of obtaining £875, in connexion with the property at Maryland Point, Stratford, under false pretences; of misappropriating £1,000, under the Fraudulent Trustees Act; and of obtaining £1,000 under false pretences upon valueless securities, it is so clear that I have no alternative but to send the case for investigation elsewhere. Although the debts proved did not amount to more than £30,000, it was in evidence, that all the documents by which other claims had been secured were perfectly valueless. These four cases are quite sufficient to send for trial, and I think Mr. Poland has exercised a sound discretion in not encumbering the depositions with other charges.

The bankrupt was then remanded for a week for the completion of the depositions, on which occasion he will be formally committed for trial.

THE FORTHCOMING MICHAELMAS TERM.—On Monday, on the termination of the long vacation, and the opening of the offices of the common law courts, the list of the arrears were published. The arrears in the common law courts are inconsiderable, and in Chancery, the arrears, if any, are of a very trifling character. In the Queen's Bench there are only 22 rules in the paper, consisting of 2 in the new trial paper, 14 in the special paper, and 6 enlarged rules. In the Common Pleas the number is 47, of which 7 are enlarged rules, 14 new trials, 25 demurrers, and 1 case for the decision of the Court. The number of arrears in the Court of Exchequer is 22, and of that number there are two in the peremptory paper, whilst in the special paper there are 2 for judgment, and 5 for argument. There are only 3 new trial rules, and 11 errors and appeals, of which 1 stands for judgment and 10 for argument. In the forthcoming term, commencing on Wednesday, the 2nd proximo, the appeals from the decisions of the revising barrister will be heard. There is a good deal of business in the Divorce Court, which will sit before term in the Lord Chancellor's Court at Westminster, and on the first day rise to enable the Lord Chancellor to sit, when his Lordship will proceed to Lincoln's-inn. Sir C. Cresswell will return and continue the sittings, and the same course will be adopted until the new Probate Court is built in Doctors' Commons. A site has been obtained, and the Commissioners of Public Works, under a late Act, are empowered to erect a building where law will be respected in a commodious court. The place assigned to the Judge Ordinary, in the amended Divorce Court Act, in the rank of precedence, is after the Chief Baron of the Exchequer. The Lord Chancellor will receive the judges and other legal personages on Wednesday, at Stratheden-house, Knightsbridge, and afterwards proceed to Westminster to inaugurate the term.

PRESENTATION OF PLATE TO A SOLICITOR.—A few days since the directors of the Watermen's Steam Packet Company dined at the Trafalgar, Greenwich, the committee of the Woolwich Steam Packet Company and other friends being present. During the evening the chairman, R. W. Jennings, Esq., presented to James Shelton Newbon, Esq., the service of plate voted to him by the last annual general meeting of the company. On the salver was the following inscription: "This salver was, with other articles of silver of the value of £100, presented to James Shelton Newbon, Esq., by the shareholders of the Watermen's Steam Packet Company, on the occasion of his retirement from the office of secretary, which appointment he held, much to the advantage of the company, from the time of its formation, for nearly twenty years."

NEW COUNTY COURT JUDGE.—As we anticipated last week, the Lord-Chancellor has appointed Rupert Kettle, Esq., of the Oxford circuit, judge of the County Court of Worcester, upon the resignation of Mr. Parham, the late judge, who has retired in consequence of impaired health, on, it is said, full retiring pension—namely, two-thirds of the salary. The jurisdiction comprises the towns of Worcester, Kidderminster, Dudley, Droitwich, Pershore, Evesham, Ledbury, Tenbury, Bromyard, and Upton-upon-Severn; and we are well assured the appointment of the new judge will afford great satisfaction throughout the whole locality.

LORD SEYMOUR'S WILL.—The dispute continues relative to the late Lord Seymour's two wills, by one of which he made over the bulk of his large fortune to the hospitals at Paris, and by the other bequeathed legacies to his friends and servants. The second will, by some oversight, was not dated, and is accordingly, by French law, invalid. It is said that the administrators of the hospitals in Paris intend to take advantage of this circumstance to refuse payment of the legacies in question.

Her Majesty in council has ordered that the Parliament, which stood prorogued to Thursday, the 27th inst., be further prorogued to Thursday, December 15.

Notes on Recent Decisions in Chancery.

(By MARTIN WARD, Esq., *Barrister-at-Law.*)

SCRIP COMPANY—ILLEGALITY—TRANSFER OF SHARES.

Re The Mexican and South American Company; Ex parte Grisewood and Smith; Ex parte De Pass, 7 W. R., L. J., 681.

These two cases settle some interesting points relating to "scrip companies," which are so constituted that the shares pass by delivery. The Mexican and South American Company was established in 1835 for the employment of capital in Mexico and South America by assisting those engaged in the working of mines and other similar purposes. There was no deed of settlement, and the prospectus was the only instrument defining the constitution of the company. The affairs were to be managed by a board of directors, but there were no regulations as to the form in which shares were to be transferred. It had, however, always been the custom for the shares to pass by the delivery of the certificates without any instrument of transfer. The company was in process of winding up under the Act, and it was attempted to show that such a company was illegal on the ground that it professed to act as a corporation without being authorised so to do, of which intent the circumstance of their shares being transferrable by delivery was said to be a proof. The Court, however, held that there was nothing illegal in the constitution of the company, and that the mere fact of the partners trading together upon the terms that their shares should pass by delivery was not necessarily a proof that they were assuming the powers of a corporation.

It being established that there was nothing illegal in the transfer of shares by delivery of the certificates, several questions arose as to the extent of the liabilities of those who had held them. In the first of the two cases, that of *Grisewood and Smith*, the petitioners had a few days before the date of the winding up order, contracted to purchase a number of shares, the certificates of some of which they had received before the order was made, and the others afterwards. The Lords Justices held, in the first place, that the petitioners must be considered shareholders in respect of the shares delivered after the order, as well as of those delivered before, inasmuch as the *contract* was made before the date of the order; and secondly, that the purchasers of such shares took them subject to all existing debts. It was indeed contended, that this being a mere trading partnership, and there being no special contract between the retiring and incoming partners, each shareholder was only liable for debts incurred during the time while he continued a partner; but the Lords Justices took a different view of the effect of the transaction. "The shares," said *Turner*, L. J., "were purchased as shares in a continuing concern, and in the absence of any express contract to that effect, it cannot, I think, be supposed that either the vendors of the shares, or those parties as the purchasers of them, could have intended that the accounts of the concern were to be taken down to the time of the purchase, and the proportion of the then existing debts considered attributable to the shares be paid by the vendors."

The second case (that of *De Pass*), rested on entirely different grounds, the question being whether the petitioners, who had parted with their shares before the winding-up order had got rid of all liability, or whether the transfer was merely collusive. It appeared that sixteen days before the winding-up order they had delivered 250 shares, for which they had paid £1,750, to their clerk, in consideration of £1. There could be no doubt—indeed they did not deny it—that they had done so with the intention of getting rid of their liability in a concern which they knew to be in difficulties; but the Court held that they had a perfect right to do so, and that the other shareholders had no equity to insist on them retaining their shares. It is in fact one of the disadvantages of a company so constituted that the shares pass by mere delivery, that there is no check upon their being passed away to a man of straw. The only question in the opinion of the Lords Justices was, whether the shares were absolutely parted with by the petitioners out and out, or whether there was any trust or reservation for their benefit. There being nothing of this kind proved, the names of the petitioners were struck out of the list of contributories. It appears difficult to see any distinction between this case and *Lund's case* (7 W. R. 333, see a note on the case, *suprà*, 386), where shares in the same company, which had been originally worth £1,000, were sold by the holder to his foreman for 2*s.* 6*d.* The object in both cases was really the same, namely, to get rid of all responsibility, and there does not seem to have been in *Lund's case*, any more than in that of *De Pass*,

any reservation or trust for the vendor. Yet the Master of the Rolls held the transaction not to be bonâ fide, and directed Lund's name to be retained on the list of contributories.

MARRIED WOMAN—SEPARATE ESTATE—GIFT TO HUSBAND.

Gardner v. *Gardner*, 7 W. R., V.C. S., 692.

This case bears upon the doctrine of the Court of Equity, laid down by Lord Eldon in *Rich* v. *Cockell* (9 Ves. 369), and ever since acknowledged by the Court, that, where there is a gift to a married woman to her separate use without the intervention of a trustee, the husband becomes a trustee for her, but the trust may be destroyed by clear evidence that the woman intended to make it over to her husband. In the present case a legacy of £1,000 was thus bequeathed to the separate use of a married woman and paid to her, she and her husband both joining in a release to the executors. The money was then allowed to get into the hands of the husband, who paid it to his own bankers, and mixed it with his own money, and employed it in his own business and family expenditure. This continued for about twenty years, when the husband died intestate. A question then arose whether the widow could claim the £1,000 out of her husband's estate. There was no evidence to show the circumstances under which the money was paid to the husband's banker, nor any proof of any formal assent on the part of the wife, or any gift of the fund to her husband. But *Stuart*, V.C., held, that although this was the case, her assent to the employment and expenditure of the money must be presumed, and that she could not now be allowed to claim it back as if still affected by the trust. His Honour observed, "The case is not one of gift, but it is a case where the husband holds money in trust for the wife, or as she shall direct, and employs it principally with her assent for their common benefit; and the real question is, whether, after all this has been done, with the knowledge and assent of the wife, she can recover the sum as if it had remained in his hands unaffected by any act of hers putting an end to the trust."

Notes on Recent Cases at Common Law.

(By JAMES STEPHEN, Esq., *Barrister-at-Law, Editor of "Lush's Common Law Practice," &c., &c.*)

ACTIONS BY REVERSIONERS, LAW AS TO.

The Metropolitan Association v. *Petch*, 5 C. B., N. S., 504.

In this case was discussed (the subject being presented to the Court by way of a demurrer to the declaration) the law of actions for injuries to real property brought by the reversioner. It was long since determined (*Jackson* v. *Pesked*, 1 M. & Selw. 234), not only that in such an action the injury must, in fact, be so permanent in its nature as to be necessarily injurious to the reversion; but that an allegation to that effect must be inserted in the declaration, on pain of judgment being arrested after a verdict at Nisi Prius in favour of the plaintiff. There are, however, certain injuries which are held to be of a permanent character, although consisting of an obstruction or erection which may be removed in a few days, and which was temporary only in its design; and the ground of this is, that if acquiesced in for a certain time, the right to remove such an obstruction would be gone. Hence every declaration of this kind must either state something which is obviously an injury to the reversion, such as cutting down of timber-trees and the like, or if it charge something against the defendant which may or may not be an injury to the reversion, then it must go on to aver that the reversionary interest of the plaintiff is thereby injured. Where that which is stated *cannot* be injurious to the reversion, the allegation that the reversion is thereby injured will not, however, help the plaintiff. And where, on the other hand, it *must* be an injury to the reversion, then the concluding allegation to that effect ordinarily inserted is mere surplusage. The present decision (following that of *Kidgill* v. *Moor*, 9 C. B. 364), appears to throw on the defendant the burden of showing, to the satisfaction of the Court, that that which is stated is *not* injurious to the reversion, where the declaration contains an averment that it was of that character. For in the case referred to, an injury committed by keeping a gate locked across a way over which a right was claimed by the plaintiff, was held sufficient foundation for the action, inasmuch as such an obstruction *might* occasion injury to the reversion; and in the present instance, the same construction was come to with regard to the erection of an hoarding obstructing an ancient light; which was alleged in the declaration to injure the reversionary interest of the plaintiff in the premises in question.

DOUBLE RENT FOR HOLDING OVER—4 GEO. 2, c. 28, s. 1, CONSTRUCTION OF.

Blatchford, app., Cole, resp., 5 C. B., N. S., 515.

This was an appeal from the decision of a county court judge on the construction of the statute, 4 Geo. 2, c. 28, s. 1; which, in substance, enacts that in case any tenant for life or years, or other person who shall come into possession under them of the premises demised, shall wilfully hold over the same after the determination of the term, and after demand of possession in writing by the landlord, or reversioner (or agent), then such person so holding over, during the time he shall keep "the person entitled" out of possession, shall pay to such person or his representatives at the rate of double the yearly value of the premises detained for the period of their detention; against the recovery of which penalty there shall be no relief in equity. In the present case the action for double rent under this provision, was brought by one, to whom the landlord had prospectively demised the premises from and after the expiration of the term of the defendant; but the plaintiff was non-suited on the ground that he had only an interesse termini in the premises, and not being the assignee of the reversion, was not the "person entitled to the possession" within the meaning of the statute. This interpretation of the Act was unanimously (and with costs) affirmed by the Court. They said that the person entitled to the possession and the double rent as between the tenant and the landlord, must be either the landlord himself or some person standing in the shoes of the landlord, not one who has derived a fresh title from him. (See Woodfall's Land. & Ten., bk. i. ch. vi. sect. 3 [b].)

FIXTURES, LAW OF—TIME OF REMOVAL BY TENANT.

Leader v. *Homewood*, 5 C. B., N. S., 546.

This was an action for the conversion and detention of some fixtures, brought by the outgoing tenant against the incoming tenant of certain demised premises; and the case was, that the original term of the plaintiff having expired, he held over on sufferance for some months, but at length quitted; and returning the following day to take away the rest of the fixtures (some severed and others not) which he was entitled, as between himself and his landlord, to remove; he was prevented from entering the premises by the defendant, who had, in the meantime, taken possession of them under an agreement for a lease. The questions for the Court to determine were (the points being reserved at the trial for that purpose), whether the plaintiff was entitled to remove any fixtures after the expiration of his term, and if he was, whether such right extended to all such as he severed, or might have severed, before he actually quitted possession. The answer given to these questions by the Court was a dubious one, as they found themselves able to do justice between the parties in the particular case before them, without laying down any general principle. They remarked that the law as to the limit of time within which a tenant is allowed to sever from the freehold the fixtures, which are usually called "tenant's fixtures," is by no means clearly settled. According to the older authorities, the rule was that he must sever them during the term; but in *Penton* v. *Robart* (2 East. 88), it appears to have been considered that the severance may be made after the expiration of the tenant's interest, provided he has not quitted possession. In a later case, however, the Court of Exchequer (*Weeton* v. *Woodcock*, 7 M. & W. 14), qualified this by saying that the right continued only during such possession beyond the original term, as the tenant kept "under a right still to consider himself as tenant." This additional or qualifying rule the Court of Common Pleas, in the present case, said they did not fully understand; and as they declined themselves to throw any light on the question as to what is the proper limit of time for removal, the point, which must be one almost of daily occurrence, remains still quite unsettled. (See Woodfall, ubi sup. ch. iv. sect. [f].)

THE CHIEF MAGISTRACY OF EDINBURGH.—The vacancy occasioned by the retirement of Sir John Melville, who has filled the office of Lord Provost for five years, is expected to be filled by Mr. Francis Brown Douglas, who is the only candidate in the field. Mr. Brown Douglas was for several years in the magistracy of Edinburgh, and is at present a member of the Town Council. It is a curious circumstance that since the disruption of the church of Scotland in 1843, no churchman has succeeded in obtaining the suffrages of the municipality.

The Law of Attorney or Solicitor and Client.

(By J. Napier Higgins, Esq., *Barrister-at-Law.*)

XIV.

Proceedings before Judicial Tribunals.

(*Continued from page* 940.)

Taxation of costs (continued).—Delivery of bill.—By the 37th section of the Solicitors Act (6 & 7 Vict. c. 73), a solicitor is not entitled to proceed by suit for the recovery of his bill until one month after the delivery thereof, unless a judge is satisfied that the client is about to quit the country. The bill must be signed or authenticated in the manner prescribed by the statute. But the provisions contained in the 37th section for the authentication by signature of a solicitor's bill of costs, are intended for the protection of the client only; and therefore, where a bill is delivered unsigned, it is taxable by the client, though not by the solicitor. In such case the client may, if he chooses, obtain an order to tax; but having done so, he cannot afterwards treat the bill as a nullity; *Re Gaitskell* (1 Phill. 576); *Re Pender* (2 Phill. 69); *Re Gedge* (14 Beav. 56). Where the solicitor delivered an unsigned bill, but accompanied by a signed letter referring to the bill, it was held sufficient; *Re Bush* (8 Beav. 66).

What constitutes payment.—By the 41st section, the payment of a bill of costs is not to preclude a reference to tax (upon *special circumstances* being shown) if the application is made within twelve months after payment. The special circumstances which will induce the Court to make an order for taxation after twelve months has elapsed from the delivery of the bill, or after payment, are, as we have seen, generally classed under the heads of overcharge and pressure. In addition to the cases already cited on these two points may be added the following:—*Re Wells* (8 Beav. 416); *Re Tryon* (7 Beav. 496); *Re Mash* (15 Beav. 83); *Re Kinnear* (7 W. R. 175). The question has sometimes arisen as to what constitutes payment, under this section, so as to preclude taxation after the lapse of twelve months; as to which see *Re Boyle* (5 De G. M. & G. 540); *Re Currie* (9 Beav. 602); *Sayer* v. *Wagstaffe* (5 Beav. 423); *Re Harper* (10 Beav. 284).

Taxation with liberty to question retainer.—The Court has jurisdiction to make an order for the taxation of a bill, giving liberty to the client to question the retainer. In *Re Thurgood* (19 Beav. 541), the client contested his liability to pay anything, on the ground that he did not employ the solicitor; and the client moreover disputed the *amount* of the bill of costs. The solicitor brought his action to recover the amount of his bill, and the client thereupon obtained an order of course to tax the bill, the petition upon which the order was made stating that he had a valid defence to the action except as to £5, which he had paid into court; and neither the petition nor the order contained any submission to pay what should be found due on taxation, which, before the Act 6 & 7 Vict. c. 73, was indispensable. Such submission, however, is not required by that statute, and therefore, where the retainer is disputed, the submission to pay by the client may be omitted. In such a case, the proper order is that the client should be at liberty to question the retainer, and that the solicitor be restrained from commencing or prosecuting any action or suit touching his demand pending the reference, with an undertaking by the client to pay what, if anything, shall be found due on such taxation. The courts of common law follow a similar rule in such cases; *In re Pyne* (5 Com. B. 407), and *In re Reece* (18 L. J., N. S., Exch., 137). But it is irregular to obtain an order for the taxation of a portion of a solicitor's demand, and for the delivery up of the papers, on payment of a part only of what is due to the solicitor; *Holland* v. *Gwynne* (8 Beav. 124); *In re Law* (21 Beav. 481); *In re Pender* (8 Beav. 299).

In *re Thurgood* (19 Beav. 547), Sir J. Romilly, M.R., entertained no doubt that the Court had power to make the order above mentioned, but considered that it was open to great objection. "The order," says his Honour, "compels immediate taxation, and directs that, if one-sixth be taken off, the expenses of taxation are to be borne by the solicitor; but after this, it may appear on the trial of the action that there was no retainer, and no portion of the bill was due, and all this expense will have been unnecessarily incurred. It is said that this is a matter which the solicitor ought to have attended to himself, but there are many cases in which a solicitor, acting for a body of persons, has no doubt he is acting for all of them, and his only remedy is by action at law. Another inconvenience may arise from the taxing master having to determine the validity of retainer, in cases where no directions have been given by the client to do a particular thing, without which the charges for certain items cannot be allowed; this may involve the same question as that determined at law, and the taxing master may come to one conclusion, and the jury may arrive at a different result, and yet the costs of taxation depend on this question. All this shows, that to remedy the evils and inconvenience on both sides, the matter ought to be brought specially to the attention of the judge, so that he may make an order suited to the circumstances of the case, by which means either the taxation here may be postponed until the question at law is determined, or the whole question of retainer may be referred to the taxing master."

Jurisdiction of Taxing Master.—The Court will only determine questions on items in a bill of costs which involves some principle, and not those relating to quantum only; *Re Catlin* (18 Beav. 508). On a reference for taxation the taxing master has no jurisdiction to judge of the propriety of a compromise entered on behalf of the client which the client has taken no proceedings to impeach (ib.) And neither can the solicitor make, nor has the taxing master any jurisdiction to permit, any alteration or amendment in a delivered bill, except by consent (ib.) If a special argument affects the whole bill, the Court must decide upon it, before it goes to taxation; but if it relates only to some of the items, the taxing master may proceed to tax, upon an order of course; *Re Eyre* (2 Phil. 367). In a recent case, *King* v *Savery* (4 W. R. 471), the facts were as follows:—By the decree in a suit by a client against his solicitor, it was referred to the taxing master to take an account of certain bills of costs, and to the master in ordinary to take an account of the general money transactions between the plaintiff and defendant. Afterwards the plaintiff applied on motion for an order that, notwithstanding the decree, the general money transactions should be referred to the taxing master, and the Lords Justices there held, that the general money transactions not being connected with the payment of the bills of costs, it was not within the province of the taxing master to take the accounts of them. Neither has the taxing master any jurisdiction either to add to the bill or to reduce it by *striking out* part (see Smith's Pract., last ed., pp. 81, 82); and he can only allow as payments money paid in discharge of the solicitor's professional duty; *Re Remnant* (11 Beav. 603). Under the common order for reference, he can consider the question of retainer as to any items in the bill, respecting which the client's petition does not admit retainer; *Re Andrew* (17 Jur. 1145). But if an action has been brought by the solicitor for his bill, the client who desires taxation should bring the facts before the Court on petition; *Re Thurgood* (supra).

Special petition where required.—A special petition for the taxation of a bill of costs is necessary where the bill has been delivered twelve months, or where it has been paid, or where the solicitor has obtained a verdict or judgment for them.

Where an account, one item of which was a bill of costs previously delivered, was signed by a client, and the balance shortly afterwards paid, and four months subsequently the client, without making any reference to such settlement, obtained an order of course to tax, it was discharged upon the ground of such suppression; *Re Holland* (19 Beav. 314). But where a client obtained an order of course for the taxation of his solicitor's bill, and a special agreement existed between them, which ought to have been mentioned on the application; but this was in the possession of the solicitor, who refused to furnish a copy, the Court declined to discharge the order, though irregular; *Re Ingle* (21 Beav. 275). Where a solicitor entered into a special agreement with his client for interest on his bill, with annual rests, and for a charge on the estate recovered, it was held, that this was not a proper case for an order of course for taxation, and such an order was discharged; *Re Moss* (17 Beav. 59). In that case, A. and B. agreed to charge their real estates with the amount of costs due to their solicitor with annual rests. The solicitor instituted a suit to enforce the lien, and the client presented a petition for taxation. The Court made the usual order for taxation, with a direction to the Master to ascertain the amount due in 1851, but held itself incompetent on this occasion to deal with the question of lien.

Where a solicitor claimed five bills of costs against his client, and the client obtained an order of course to tax two only, it was discharged with costs; *In re Law and Goold* (21 Beav. 481). But an order for taxation of two out of four bills, and the delivery up of the papers, was discharged *without costs*, the solicitor having attended the taxing master without having objected, and not having applied to discharge the order until six weeks after notice of it; *Re Wavell* (22 Beav. 634). And where A., the next friend of infants in a suit, employed B.,

a solicitor, therein, and in other matters, and an order was made in the suit for the taxation and payment to B. of his costs of the suit but before this had been done, A. obtained ex parte an order to tax B.'s bill, in all the matters in which he had been employed for A., it was held that the order was regular; *In re Fluker* (20 Beav. 143). Under the old practice, upon a taxation between party and party, the bill of costs might be added to, or varied, after it has been brought into the office, at any time before the taxation is concluded; but now the practice is different upon a taxation under the Solicitors Act. *Davis v. Earl of Dysart* (21 Beav. 124).

Where an order was made for taxation nominally on the petition and undertaking of A. B. and others; and the certificate being made ten years after, an order was made on A. B. to pay, and A. B. applied to discharge the order for payment, showing that the order had been obtained without his authority, and during his absence from England; it was held that while the order for taxation stood the order for payment was regular. The Master of the Rolls considered that when A. B. heard of the order he ought to have had his name struck out of it; but that as long as the order for taxation stood, both it and the certificate, and the whole subsequent proceedings, were perfectly regular and proper; *Re Thompson* (25 Beav. 247). A solicitor will be ordered to pay the costs of a special petition, rendered necessary by his refusal to consent to the common order for delivery of his bill and for its taxation; *Re Adamson* (18 Beav. 460).

Where a solicitor is retained by two persons jointly, an application for taxation by one, in the absence of the other, should not be made as of course; *Re Lewin* (16 Beav. 608).

Effect of special agreement.—An agreement between a solicitor and his client, an illiterate person, for payment of his bills (taken at a given amount), solely out of the produce of some property the subject of the suit, has been held not to preclude taxation; *Re Ingle* (21 Beav. 275); nor does an agreement to charge costs out of pocket only preclude a taxation; *Re Ransom* (18 Beav. 220). Thus, a solicitor in 1849 agreed to charge sums out of pocket only, provided the client was unable to recover the proper costs in the business; and taxation was ordered of a bill for business in 1853, in the usual terms, and without determining any question as to the agreement.

In *Re Taylor* (18 Beav. 165), A., a solicitor, being one of the three mortgagees, arranged with another solicitor, B., "to act as his agent," in the matter of the mortgage on agency terms. B. accordingly acted, and sent in his bill prepared as between solicitor and client, which was paid by the mortgagees. B. allowed A. £100 as his share of the profits. After this, on the application of second incumbrancers, the bill was taxed, and under such circumstances the Master of the Rolls held that the taxing master was right in taxing it on the principle of solicitor and agent, because the agreement between A. and B. was valid, though it enured to the benefit of the mortgagees, and his Honour considered that the bill was properly taxable at the instance of the second incumbrancers as between them and B.

Where G., a solicitor, agreed to conduct the defence to a suit of S., a solicitor, upon terms that if the case of S. failed he would accept usual agency fees, and the case of S. failed, entirely from two letters which had been subsequently, though not at the time of the agreement, communicated to G., who continued to conduct the defence without observation; and G. had sent in his bill of costs, made out as between solicitor and client, taxation was ordered upon the scale of agency charges only; *Re Gedge* (23 Beav. 347).

The proper mode of enforcing the delivery of a solicitor's bill is to serve the order with a proper endorsement under the 12th amended order of the 11th April, 1842, and upon default being made, an attachment will go as of course. The common order to tax has recently been altered. It now directs payment within twenty-one days after service of the order, and of the taxing master's certificate made in pursuance thereof, by which the party in default is now liable to be attached at once; *Ex parte Belton* (25 Beav. 368); see also 17th Gen. Ord., 20th March, 1859.

Assignees in insolvency of solicitors and the assignees of a bankrupt solicitor, are liable to pay the costs of taxation where more than one-sixth has been taxed off the bill of costs delivered by them; *Shea* v. *Boschetti* (25 Beav. 561, sec. 36); *Re Peers* (21 Beav. 520). In the latter case, assignees of a bankrupt solicitor were held to be personally liable, even though the order directing taxation was silent as to their liability. Now, however, according to the general form of the order which has been lately adopted, the assignees are expressly ordered to pay to the petitioner the amount which the Master shall certify to be due for the costs of the referee.

By error and mistake, some items were omitted and others undercharged and overcharged in a bill of costs referred for taxation. On a petition by the executor of the solicitor, liberty was given to insert the omitted items, and increase those undercharged; but he was not allowed to decrease the overcharges; *Re Whalley* (20 Beav. 576).

Pending a taxation, both the solicitor and client died, the reference was revived, and the taxation continued before the representatives; *Re Whalley* (20 Beav. 576).

Where a solicitor's bill is taxed, and less than one-sixth taxed off, and afterwards, upon a suit between the client and solicitor for a general account of matters between them, more than one sixth of the amount claimed by the solicitor is struck off, the Court held nevertheless that the solicitor was entitled to the costs of the taxation; *May* v. *Biggenden* (24 Beav. 207).

(To be continued).

Communications, Correspondence, and Extracts.

TRADE MARKS.

To the Editor of The Solicitors' Journal and Weekly Reporter.

In the paper which I read at the meeting of the National Association for the Promotion of Social Science at Bradford, I ventured to doubt the correctness of the proposition implied in an address by Sir Richard Bethell to the Society of Arts, that the fraudulent imitation of tradesmen's names, or marks on goods offered for sale, was not indictable at common law. In the discussion which followed the paper, Mr. Daniel, Q.C., said, that in the case of *Reg.* v. *Smith*, the judges had intimated their opinion that such offence was indictable. Since the meeting I have referred to this case, and was thus led to another recent case, which is of great importance to all interested in the question. It appears to me to settle the point more conclusively than the case first mentioned, and being desirous of directing the attention of attorneys to this mode of proceeding, as likely to be more efficacious in checking the disgraceful practice of counterfeiting trade marks, than by injunction or action at law, I crave a space in your columns for a notice of the case. I refer to *Regina* v. *Closs* (27 L. J., M. C., 54). The prisoner, a picture-dealer, had sold a copy of a painting by Linnell, as an original; and on the copy the name, *J. Linnell*, was painted in the corner, in imitation of the name on the original picture. He was tried at the Central Criminal Court, on an indictment containing three counts: the first, for obtaining money under false pretences; the second, for a cheat at common law; and the third, for a cheat at common law by means of a forgery. On the first count, he was acquitted; on the second and third, he was found guilty; but judgment was respited, in order that the opinion of the Court of Criminal Appeal might be taken whether the second and third counts sufficiently showed an offence at common law. The conviction was quashed, because, as to the third count, there was no forgery; and as to the second, for the reason appearing in the following quotation from Chief Justice Cockburn's judgment:—"As to the second count, we have carefully examined the authorities, and the result is, that we think that if a person, in the course of his trade, openly and publicly carried on, put a false mark or token upon an article, so as to pass it off as a genuine one, when, in fact, it is only a spurious one, and the article is sold and money obtained by means of that false mark or token, that will be a cheat at common law. As for instance, if a man sold a gun with the mark of a particular manufacturer upon it, so as to make it appear to be the genuine production of the manufacturer, that would be a false mark or token, and the party would be guilty of a cheat, and, therefore, liable to punishment, if the indictment were fairly framed, so as to meet the case; and, therefore, upon the second count of this indictment, the prisoner would have been liable to be convicted if that count had been properly framed. But we think the count is insufficient; because although it sets out the false token, it does not sufficiently show that it was by means of that false token that the prisoner was enabled to sell the picture."—Yours, &c.,

October 27th, 1859. Arthur Ryland.

SOLICITORS' BENEVOLENT ASSOCIATION.

To the Editor of THE SOLICITORS' JOURNAL AND WEEKLY REPORTER.

SIR,—While thanking you for the notice of this Association which appeared in your last Journal, permit me to state that it is no longer a rule of the Association that non-members of law societies should be recommended before they can be admitted as members of this Society; but that, on the contrary, *every* practitioner is now eligible to propose himself.

October 28th, 1859. THOMAS EIFFE, Secretary.

THE LIVERPOOL ATTORNEYS AND THE MUNICIPAL ELECTION.

The following interesting correspondence has appeared in a Liverpool contemporary:—

"Sir,—The late Sir James Mackintosh, in his work on the 'Study of the Law of Nature and Nations,' says:—'There is not, in my opinion, in the whole compass of human affairs, so noble a spectacle as that which is displayed in the progress of jurisprudence, where we may contemplate the cautious and unwearied exertions of a succession of wise men, through a long course of ages, *withdrawing every case, as it arises, from the dangerous power of discretion, and subjecting it to inflexible rules.*'

"Sir, it is these 'inflexible rules' which constitute the *law*, and the study of them that forms the lawyer and the judge. So long as human society is in a state of progression and improvement, the laws will require alteration to meet the altered circumstances of the people; and it has always been the boast of the Liberal party, that they are the most discerning in perceiving error, and in suggesting its removal. But, ere man can suggest a remedy, he must perceive the error. It has often been brought as a charge against the lawyers that they are not advocates of reform, even on matters where their information is the greatest, and the reason has been very freely assigned, that they loved fees rather than justice. This is a charge made only by the ignorant or the malevolent. Few people but lawyers know the caution required in effecting the alteration of a law, lest, by an indiscreet move, one evil be substituted for another. But the lawyers recognise one sound maxim, 'that everything that is beneficial for the public is beneficial for themselves.'

"The members of the Liverpool Law Society devote a considerable portion of time to the consideration of many Bills proposing to effect alterations in the law, and their suggestions are received with courtesy and attention by the greatest legal legislators to whom they address themselves. The conduct of business in the police courts forced itself on the attention of the profession by the frequent miscarriages of the lay magistrates; and, after much deliberation, the Law Society decided on bringing the subject before the public. The chief cause of complaint is, that the lay magistrates, exercising the 'dangerous power of discretion,' decide cases by each man's idea of 'common sense,' instead of by the 'inflexible rules' of law. The great increase of what may be termed 'civil business' cast on the magistrates by recent Acts of Parliament, renders the subject of very great importance to the public; and the profession saw no other remedy than the appointment of a second stipendiary magistrate. Accordingly, the society, in a special general meeting, called expressly for the purpose, settled, sentence by sentence, the report which was sent to the Town Council, with a request that it might be referred to a committee, with whom they might confer. The public knows the manner in which that request was treated by the Council. 'It was no business of the attorneys,' and the report was laid on the table. The mouthpiece of the Council was Mr. Alderman Holme, and I refrain from making any other observations than I have already done on that gentleman's speech, as it really is not deserving of further notice. The profession felt, however, that a very important reform was being quashed for want of an advocate, and as Castle-street is the ward of which a large majority of the solicitors are burgesses, it was only proper that they should appeal to public opinion in that ward. This they have done; and the result of this election will show whether or not reforms, suggested by the solicitors, are worthy of the consideration of the Council or not. Nothing, in my mind, is of greater importance than that the administration of justice should insure the respect of the lawyers.

"At the last meeting of the Council, Mr. Holme admitted that what are termed 'civil cases' should be determined by the stipendiary magistrate. Seeing the part I have taken in this matter, Mr. Mansfield has addressed to me a letter, a copy of which, with his permission, I enclose to you for publication. I leave that letter to speak for itself. I shall not notice the vituperation which has, in the Council-chamber, been heaped on the attorneys, as a class; neither shall I attempt to efface the obdurate character drawn of me by Mr. Steains—nor shall I correct him in some errors of history and arithmetic, which he will, in calmer moments, find out for himself; but I do desire to express my agreement with him in one thing, and that is,—that Mr. Wybergh and Mr. Garnett are both eminent lawyers, and quite capable of acting as stipendiary magistrates. 'But they do not occupy so useful a position; and I believe that I speak the opinion of my brother lawyers, when I say that it is impossible for these gentlemen to be constantly interfering in order to keep the lay magistrates in the right path; and it is well known that certain of the lay magistrates decline to be guided by their clerks, even on points purely legal.

"Whilst I have my pen in my hand I cannot refrain from saying a word to my friend, Mr. Bigham. He accuses me 'of having abandoned my principles for the sake of promoting the interest of one particular class, and that class, my own.' But he does not say what principle I have abandoned, or in what respect my class interest is to be promoted. The Courts of Queen's Bench and Chancery are the courts of the rich, where fees do most abound, but the County Court and the Police Court are the courts of the poor; and if Mr. Bigham will turn his logical mind to the subject, I venture to assert he will discover that the lawyers are instigated in this matter by a virtue he does not at present give them credit for. But if by 'principle' Mr. Bigham means the principle contained in the question put by him to Mr. Woodburn at the ward meeting, namely, whether he would vote for a list of aldermen selected out of the Council, or one containing names of simple burgesses, then I ask Mr. Bigham whether his consistency requires him to pass over the honoured name of William Rathbone, George Holt, and James Aikin? And, again, if aldermen are to be selected from the councillors, according to their merit, will the name of Mr. John Stewart be omitted from the Liberal list? Does Mr. Bigham mean 'principle,' or does he mean 'party?' And if he means 'party,' wherein will the conduct of one 'party' differ from the conduct of the 'other party' if Mr. Bigham's party should be successful in securing a majority in the Council?—Yours &c.,

6, Cook-street, Oct. 21, 1859. "FRED. S. HULL."

"To F. S. HULL, ESQ.

'My dear Sir,—In the discussion which has taken place on the subject of appointing an additional stipendiary magistrate, there have been some occasions upon which my proceedings have been mentioned in a way that shows me that the public is very ill-informed as to the real state of things in the Police Court.

"I should, therefore, very much like to be set right with those who care to know about it.

"It is said that I take to myself the decision of a number of cases which might equally well be disposed of by my lay brethren, and that I leave them to deal with other cases which involve occasionally a good deal of law.

"Primâ facie this would certainly seem to be the case. The lay justices have not very unfrequently to judge in seamen's wages cases, collisions, Passengers Act matters, and the like, involving points quite as difficult as are decided in the superior courts; and, therefore, more appropriate for, at least, the decision of a lawyer than a layman. On the other hand, I take the police-sheet which deals with felonies and misdemeanours only, where the law is tolerably plain.

"This division of the business was made three or four years since; and the state of things, regarding the administration of criminal justice, was such as to make it necessary.

"The commitments for trial had sunk from the average of about a hundred or more to under fifty; and from the number of apprehensions it was clear that this was not owing to the diminution of crime, but to the manner in which criminals were dealt with. The first sessions after I took the police-sheet exclusively to myself, nearly 300 prisoners were sent to trial, and for some time subsequently very large numbers were in like manner tried by the Recorder and his deputy. The numbers are now reduced to their normal state, much about what they were in Mr. Rushton's time. In addition to these a greater number are disposed of by me summarily under the Criminal Justice Act; but I am assured by Superintendent Clough that crime was never, in his knowledge, at so low an ebb as at present, and that whole classes of offences have disappeared since I came to deal with them. The general diminution of crime is also remarkably exhibited by the decrease of prisoners in the gaol, who are now far less

numerous than they were nine years ago, in Mr. Rushton's time, notwithstanding the enormous increase of population.

"The public, of course, know nothing about what has taken place, and the reasons for it. If it was observed that more prisoners were sent to trial by me than had been by others, it was ascribed to caprice; and, to my utter astonishment, I saw this opinion was, in appearance, entertained by two of my brother magistrates, M. S. Holme and Mr. Robertson Gladstone. These gentlemen were reported to have said in the Council, that Mr. Mansfield differed from other magistrates; that he preferred to send prisoners for trial; but that they thought it better to dispose of cases summarily, because it was expensive to the borough that prisoners should be detained a long time in gaol while awaiting their trial.

"Now, you and all professional men are well aware that a magistrate, if he administers the law as laid down by the Legislature, really has little or no discretionary power as to sending a prisoner for trial. If he perverts the law, either to save the trouble of taking depositions, to save the borough funds, or because he thinks himself wiser than the Legislature, and that he can try a prisoner himself as well as the judge and jury, he is not merely chargeable with most perverse folly, but is guilty of a gross fraud upon the prisoner, the public, and the Legislature.

"Now, as Mr. Gladstone and Mr. Holme are men certainly equal, if not decidedly superior, to any two of their brother magistrates, this singular ignorance of their duty and of the motives by which they ought to be actuated in the discharge of it, might serve, if I needed one, as a justification for the arrangement subsisting in the Police Court.

"To control criminal offenders is the department of business of highest importance to the public; and I am happy to find that the law, steadily administered in the way laid down by the Legislature, is amply sufficient for the purpose. During the short holidays which I occasionally take for the sake of health, there is little doubt that the state of things I have helped to bring about would be very seriously interfered with if I left the bench to the unmethodical courses of the borough justices, who might sit by accident in my place; and accordingly, as soon as the Act was passed, I appointed a deputy, though the expense is of course rather burdensome; in fact, a good deal more than half the increase of salary voted to me by the Council.

"From what I have written you will have perceived that I do not think the police-sheet can be left to my lay colleagues with advantage to the public, and that I am so strongly impressed with this opinion, that, at great cost to myself, I provided a deputy in my absence. The police-sheet is amply sufficient to occupy me generally, and though now and then I may have time to hear a summons, still the cases which certainly require a professional judge must, for the most part, be left to the lay justices. The solicitors of the town are the only persons possessing the knowledge requisite to form a correct opinion upon the exercise of their judicial powers by the magistrates; and the profession only can properly estimate the injury to the clients from erroneous and perverse decisions. Whether many or any such are often given, I am, with the public, in total ignorance; but it seems to me that it is hardly reasonable to tax the solicitors with unnecessary interference because they call attention to a subject which they certainly understand and appreciate far better than persons of any other occupation can possibly do.—Yours faithfully, "J. S. MANSFIELD."

The Provinces.

BIRMINGHAM.—*Magistrates' Clerks' Fees.*—On the motion of Mr. Alderman Hawkes, the Town Council has passed an important resolution on the subject of magistrates' clerks' fees, that counsel's opinion be taken upon the legal liability of the corporation to pay the clerks' fees arising out of dismissed or withdrawn complaints for assaults, sureties, breaches of bye-laws, excise, victuallers', and beer informations, &c., and to report such opinion to the Council. The *Birmingham Journal*, in its observations upon the meeting, remarks, "These perquisites now amount to about £3,000 a year, and it appears that about £700 of the sum is paid out of the municipal rates. Every reader must have noticed the wholesale manner in which charges against publicans, users of weights and measures, obstructers of the highways, and certain other classes are from time to time preferred by the police. If these charges are sustained, the costs have to be defrayed by the defendants, but if the charges fail, or if the defendants fail to pay, the fees, amounting to five, seven, ten, and sometimes thirteen shillings, are charged to the borough fund. Mr. Hawkes is of opinion that the magistrates' clerks have no legal warrant for presenting us with these fast-scoring little bills, and the council, acting on his suggestion, has determined that the finance committee shall make no further order for payment of such charges until the opinion of counsel has been taken as to their legality. Some members of the corporation were of opinion that the question ought to be referred to the Town Clerk, as the constituted legal adviser of the borough authorities. But the general feeling seemed to be that such a course would be placing one solicitor in disagreeable relation to some of his professional brethren, so the task of inquiry was imposed on the finance committee. It is the opinion of all parties that magistrates' clerks should be paid by salary, and that fees charged against plaintiffs and defendants should be carried to the borough account. This plan will probably be adopted before many years have passed, but, in the meantime, we are afraid the borough will have to bear the expense of cases in which informations laid by public officers have broken down. If the law proves to be otherwise, so much the better for those who have to pay local rates. Mr. Hawkes very properly observed that more discrimination ought to be used in laying informations. As an abstract principle, it may be well that Acts of Parliament should be observed to their nicest letter,—but it really seems of little practical importance whether a retail brewer has served a glass of beer five minutes after or five minutes before the mystic hour of eleven. Perhaps this is one of the most frequent questions at issue in cases where the borough rates have to pay the piper, and we cannot see that its determination is to the public worth so much as seven hundred farthings a year. The shutting up of retail breweries at the hour stated is required by law, and policemen have always acted as the special guardians of the law in this particular But we take it that the closing is of more importance to the proprietors of houses permitted to keep open until a later hour than it is to the public at large, and we see no good reason why the unfortunate public should be mulcted in such heavy damages for seeing that the custom is observed with minute exactitude. At any rate, policemen should abstain from indulging in miscellaneous battues against questionable offenders, and should bring us in debt to the magistrates clerks only on occasions when the money can be considered profitably spent."

FOLKESTONE.—*High Bailiff of the County Court.*—Charles Harwood, Esq., County Court Judge for this district, has appointed Mr. William Venables, of Folkestone, High Bailiff for the town of Folkestone.

KENT.—*Chairmanship of the West Kent Quarter Sessions.*—At a meeting of the justices of Kent, on Tuesday, the Earl of Romney announced his intention of resigning his office as chairman of the Quarter Sessions for the Western Division of the county, which office he has held for a considerable number of years. The 29th of November was fixed for holding a special Court to appoint a successor, who, however, has not yet been named.

Metropolitan and Provincial Law Association.

The annual aggregate meeting of the members of this Association commenced on Wednesday last, in the council-room of the Law Institution, under the presidency of Mr. JAMES BEAUMONT, chairman of the managing committee. There was a considerable attendance of the leading members of the profession, including deputations from Worcester, Liverpool, Birmingham, Leeds, Bridgwater, Gloucester, Derby, Gateshead, Evesham, and other provincial towns.

Mr. W. SHAEN, M.A., the secretary, at the request of the chairman, stated the order of business and the list of papers to be read. Amongst them were papers on the following subjects:—"The Education of the Profession," by Mr. E. W. Field; "The Union of the Profession," by Mr. W. Shaen (the secretary); "The Organisation of the Profession," by Mr. D. G. Miller; "The Court of Admiralty," by Mr. J. Morris; "The Trustee Relief Act," by Mr. J. Livett; "Land Registry," by Mr. J. Turner; "Land Transfer," by Mr. A. Cox; "Registration of Title," by Mr. J. Rayner; "Bar Etiquette," by Mr. J. O. Watson; "Abolition of Oaths," by Mr. C. A. Smith; "Trial by Jury," by Mr. T. G. Gibson; "The Lord Mayor's Court," by Mr. R. Brandon (registrar of that court); and "Guildhall Antiquities," by Mr. Deputy Lott, F.S.A. After reading these papers, or so many as there might be time for, and discussing these, which would occupy the greater part of that and the following

day, the members, he said, would proceed on Friday morning, at ten o'clock, to Apsley House, which the Duke of Wellington had invited them to inspect; then they would visit Bridgwater House, which had been thrown open to them by the liberality of Lord Ellesmere; and afterwards Burlington House; next they would go to Guildhall, accompanied by Deputy Lott, where they would have an opportunity of visiting the crypt and the library; and at three o'clock they would proceed to the Mansion-house, where they had been invited by the Lord Mayor to take luncheon with his Lordship.

The CHAIRMAN then delivered the opening address as follows:—Gentlemen, before I enter upon a consideration of our last year's proceedings, or of the circumstances under which we are assembled to-day, you would wish me, I am sure, to convey to the Council of the Incorporated Law Society our acknowledgments for the courtesy and kindness with which they have been so good as to place this room, and, so far as needful, this building, at the disposal of our Association. It is not merely the accommodation that we value: we estimate far more highly the evidence thus furnished of a friendly and cordial feeling on the part of the elder and Incorporated Society, and, after twelve years of uninterrupted and harmonious co-operation, it cannot be needful for me to assure the Council, in your name, gentlemen, how heartily this feeling is returned by us. Gentlemen, the report of the Association, published in April last, has acquainted you with its operations for the first six months of our year. The dissolution of Parliament and the change of administration interfered with the progress of several legislative measures referred to in that report, but there are a few to which I am desirous, with your permission, to draw your attention. And first, naturally, is the Bill for consolidating and amending the laws relating to attorneys and solicitors. The Incorporated Law Society framed some admirable provisions for the amendment of the Act of 6 & 7 Vict., and they were embodied in a Bill. But now, gentlemen, I am about to mention a circumstance illustrating the vast importance of having two bodies, like the Incorporated Society and our own, with common objects, but separate and independent action. In the amendments of the Law Society we cordially agreed. One of them we would have carried a little further. We would have had an examination of articled clerks during, as well as after, articles; but essentially we were of one mind. The Incorporated Society were, however, obliged to abandon four of their amendments in deference to the nobleman who had charge of the Bill. We were under no such obligation. We presented a petition, embodying at great length our views upon the four matters in question, and praying for legislative interference in respect to them. What were these four matters? I venture to crave your particular attention to them. The first, as I have intimated, referred to the important subject of examinations during and after service of articles; the second dealt with the inconsistency in the law which, allowing solicitors, like the present Lord Mayor of London, to act as magistrates in cities and boroughs, prohibits their acting as justices of the peace for counties; and the other two referred to the insufficient remedies against unqualified persons practising in conveyancing business and in the Courts of Probate and Divorce. Now, gentlemen, you are aware that it was not until the passing of the Act of the 6 & 7 Vict. that a solicitor's bills for conveyancing business became liable to taxation. The solicitors, as represented by the Incorporated Society, supported that Bill, and the particular provision I allude to, but upon the understanding, I believe, that they should be protected against the invasion of their privileges by unqualified persons. They pay heavily to the State upon their articles of clerkship, upon their admission to the roll, and by a yearly and special duty; their bills of costs are subjected to a special revision; they are themselves exposed to special restrictions and supervision. Is it unreasonable that they should be specially protected? Yet, how anomalous is the law upon this subject. For practising in the Courts of Common Law and Chancery without a certificate there are indeed sufficient remedies: there is a heavy penalty; there is incapacity to recover fees; there are the consequences of a contempt of court; and we can ourselves enforce the law in these particulars. But as to conveyancing business, we are practically remediless. It is a fiscal offence only, and the commissioners of revenue can alone deal with it. Again and again our Association has tried to grapple with this difficulty; but we can get no further than this—we go to the Commissioners of Inland Revenue, and there we are told that if we will send in a written and precise statement of the facts, and support it by affidavit, the authorities will deal with the case. Gentlemen, we say that the Incorporated Law Society is the proper body to deal with it, and that the remedies for this offence should correspond with those of which I have spoken as applicable to the courts of law and equity; and I am convinced that you will agree with us. But I come to what, as respects the public, are far graver matters. The same unsatisfactory state of things exists with respect to the Courts of Probate and Divorce. If ever there were tribunals especially requiring a recognised body of professional and responsible officers, they are these courts. You remember the great will forgeries of Fletcher and his confederates. The difficulty was how to deceive the attorney, and through him the proctor. But tolerate the slightest laxity in these matters, and any one who knows the process of procuring proof of a will, or administration to a deceased, or supposed deceased, person's effects—the registering of the probate, or administration at the Bank of England, the East India-house, or railway offices, and the realisation by these means of money to the extent of thousands and hundreds of thousands of pounds—anyone who understands and reflects on this will agree with me, that, if we cannot get this abuse remedied for the public, the day will come when the public will cry out loudly enough to have it remedied for themselves. Am I imagining a case, gentlemen? Here is the *Law Times* of the 24th September. Will you allow me to read a short letter in it?

"A CHANCERY BARRISTER.—The following advertisement is being periodically published in the newspapers here:—

"'Notice.—New Court of Probate and Administration.—The Rev. ——, ——, Incumbent of ——, Wigan, and a surrogate for the diocese of Chester at the time of the passing of the recent Probate and Administration Act, is still entitled to act in the New Court in the proving of wills and in the administration of the effects of persons dying intestate. He will therefore, as formerly, forward and transact any business entrusted to his charge.

"'—— Parsonage, Wigan.'

"I understand the reverend advertiser boasts that, although he is receiving compensation for the loss of his fees as surrogate, he makes a considerable sum annually by continuing to act in the probate of wills. I apprehend a surrogate can only "act in the New Court" in the name of some solicitor or proctor, and so soon as I can ascertain who "the legal gentleman" is, your readers shall, if you please, have the pleasure of knowing his name.

Wigan, Sept. 20. A SOLICITOR.

P.S.—I enclose my card.

The reverend gentleman must settle this evasion of the law in foro conscientiæ, and with his diocesan. But if he can evade it, I do not know where is the limit to evasion, or where is the protection of ourselves or of the public. But perhaps the case of the Divorce Court is still more striking. Every one is surprised, many are scandalised, at the present facilities for dissolving the marriage tie. Last year a very respectable proctor threatened proceedings for a divorce against a lady, who came to me about it. I asked the proctor whether he thought his case a strong one. "Why, no," he said, "to tell you the truth, I don't. But the husband would be very glad to dissolve the marriage, and probably he will choose to spend £20 or £30 for the chance." Now, thanks, probably, to this respectable, and, in more senses than one, this responsible proctor, nothing was done; but, open the door to needy men, and unlicensed—and, because unlicensed, therefore unprincipled—practitioners, and who can tell the wrongs, the frauds, the perjuries which will be the result? The Bill, gentlemen, after passing the House of Lords, was lost, for want of time, in the Commons. It will no doubt be introduced next year, and then we shall renew our efforts to carry these amendments, and also to effect some suggestions of members of our body—one of Mr. Shepheard, of Moorgate-street, for extending to students who have passed their examinations for matriculation, or the "little-go" examinations, at the universities mentioned in the Bill, the privilege of being relieved from one year of service under articles which it was proposed by the same measure to grant to students who had passed the "middle-class examinations;" and another of Mr. Turner, of Carey-street, for securing to solicitors a lien for their costs on property recovered through their instrumentality. Gentlemen, there was another valuable Bill, one of those introduced by the present Lord Chancellor, to prevent vexatious prosecutions upon indictments preferred before a grand jury for conspiracy, perjury, or fraud, where no previous inquiry and committal, after hearing both parties, should have taken place, upon which the Association felt it right to present a petition; and if you, gentlemen, feel, as I have long done, that proceedings before the grand jury often operate less as a protection to the subject than as a vehicle of fraud, you will desire that the committee should next session persevere with their suggestion, "that in all cases where a prosecution is commenced by indictment preferred before a grand jury the chairman of the grand jury should bind over (our petition said—I confess I should prefer—'should have power to' bind over) not only the prosecutor, but every person examined before him in sup-

port of the indictment, in such recognisances to appear and prosecute, or give evidence (as the case may be), as would have been required if the inquiry had taken place before a magistrate." I now come, gentlemen, to the singularly important Bill—or rather, I am glad to be able to say, the important Act—of Lord St. Leonards, to amend the law of property, and to relieve trustees. I do not know that I can better introduce this Bill to your notice than by reading the allusion to it in the report of April last:—"It contained some very excellent provisions with respect to the waiver of conditions in leases, and defined and limited the effect of licenses to assign. It relieved a purchaser from the burden of judgments registered against a vendor, on which execution should not have been issued and executed, and declared that he should be affected by express notice only. The sections which dealt with powers of attorney discharged trustees from liabilities in respect of payments made to the attorney after the decease of his principal before notice of that event. Executors and administrators were to be exonerated from liability to creditors, after publication of advertisements similar to those issued by the Court of Chancery; and trustees were to be relieved from many dangerous responsibilities." The Bill also, gentlemen, contained a very important clause (the 24th), the object of which was to make vendors and their solicitors criminally liable for fraudulently concealing incumbrances or falsifying pedigrees; and the last clause of the Bill provided that every trust instrument should be deemed to contain certain clauses for the indemnity and protection of trustees, these being clauses which we are accustomed to introduce in wills and settlements, and our remuneration being, as you know, made by law to depend exclusively upon the length of the instrument. Here then, gentlemen, was a measure which, beneficial to the public, struck directly at us as a body—at our personal and pecuniary interests. What was the course which we pursued with regard to it? In its main features we supported it with all our might, according to the fundamental principle of this Association—to support that which we believe to be right, be the consequences what they may; to oppose that which we believe to be crude, dangerous, and wrong, let the construction and comments be what they may. Gentlemen, what was the course of this Bill? It had been thrice read a second time in the Lords, had been twice passed and sent to the Commons, and was in the early part of this year, for the second time, withdrawn by the Attorney-General; and then Lord St. Leonards wrote to a member of our committee—"My Bill, to my surprise, has once more been withdrawn in the Commons, and it is not my present intention to introduce it again." Gentlemen, I believe we may congratulate ourselves upon having in some degree contributed to induce his Lordship to reintroduce his excellent measure, which has now become the law of the land. We wrote to Lord St. Leonards, earnestly requesting him to reintroduce it. We petitioned in its favour, and Mr. Kennedy, of London; Mr. Livett, of Bristol; Mr. Rawlings, of Birmingham; the Assistant-Secretary, and myself, had the honour of waiting upon Lord St. Leonards, and stating the views of the Association upon the subject. His Lordship kindly went through the Bill with us, clause by clause; informed us that he had determined to modify the 24th clause, so as, while retaining its essence, to protect solicitors from unjust attack, promised to consider a further suggestion we made to the same end, and ultimately embodied this suggestion in the Bill, and so it was passed. But now, gentlemen, while we are thus prepared to support every measure of law reform which we believe to be right, without reference to its effects upon our personal interests, I say that it is neither right nor wise that our interests should be overlooked and sacrificed by the Legislature. The Legislature desires to shorten the length of deeds, and the period for the commencement of titles, and we support them in their views. But then, gentlemen, we feel that we have a right to point out to them the unfairness, the inconsistency, and the impolicy of the system, which, I believe, was pithily expressed by Mr. Field—"You remunerate us by lengths, and then you abolish the lengths." Mind, we do not advocate lengths; we advocate a more rational scheme of remuneration—one based upon the labour, skill, and responsibility involved in the work. But we say that it is not expedient that persons to whom are entrusted such important functions, men possessing a powerful influence over the minds and conduct, and to a considerable extent the property, of their clients; enabled, according as they may be guided by self-interest or by right principle, either to foster a spirit of litigation or to promote the peace and happiness of families and neighbourhoods—it is not expedient that such a body of men as the solicitors of this country should be pauperised in their circumstances or lowered in their position. It is surely a far wiser and safer policy by a just remuneration to attract to their body persons moving in the ranks of gentlemen, men of education, of liberal and enlarged views, and of high principle. It may not be desirable for us to be too rich, but there is a proverb which says that it is a difficult thing to keep an empty sack upright; and I am sure it is very desirable for the public that we should not be too poor. People do not know how continually solicitors have to resist the inclination and pressure of their clients to embark in expensive litigation. It is quite unnecessary, and it would be an offence against good taste, to illustrate this by examples. But I think I may rely upon you to forgive me for mentioning a circumstance bearing upon this question which occurred many years ago, and which made a deep impression upon me. Two cousins quarrelled—they were both rich men—and their animosity was, as usual, sharpened by their relationship, and the closeness and intimacy of their former connexions. Proceedings were commenced at law, and in the Court of Chancery. I was the solicitor for one, and had been the friend of both. It was of course my duty, and I know it would have been the desire of every gentleman who hears me, to allay their angry feelings and terminate by a just arrangement proceedings which threatened to be of enormous length and expense. My counsel heartily seconded me, and at a conference at which my client was present, by way of alarming him into a settlement, he said, addressing him, "No doubt if you choose to take an excursion on the continent for a year or two and place £10,000 in Mr. Beaumont's hands to answer immediate purposes and claims (in connexion with some executorship accounts), you will come right at the last." You will hardly believe it, but instead of deterring, it only stimulated him. He said to me afterwards, "You remember your counsel said that if I chose to place £10,000 in your hands and go to Italy for a year or two, I should succeed at last." Now, gentlemen, this state of things in a greater or less degree is occurring to us all every week of our lives. We have to struggle against the passions of our clients adversely to our own interests, to think not only of their temporary and excited feelings, but of their honour, their character, their true interests; to save them from the waste and sin of needless litigation. And we have to do this, not at the loss of the immediate profit only, but often at the hazard of our reputation for energy and courage. And this I will say, gentlemen—for it is the truth—that I verily believe that, as a body, we perform our duty in these circumstances; and, in the consciousness of this, and in the growing perception and recognition of this, we have some reward. But some persons will say, "After all, your life cannot be so very hard and self-denying a one, or there would not be 10,000 of you content to lead it." Fair and softly, gentlemen; fair and softly! Many of us entered the profession a long time ago, in its comparatively palmy days; and (I admit that it is wonderful, all things considered, yet somehow or other, chiefly through the practice of great abstinence) we exist still. Moreover, tout est relatif, we will see in a moment the number who, with a vastly increasing population, enter it now. Meantime, what is the average income of a body of men accounted so rich as the attorneys and solicitors of this country? I have been assured that it does not exceed, if, indeed, it now reaches £300 a-year. While the Legislature has fixed the remuneration of the taxing masters in Chancery—gentlemen of high attainments, indeed, but whose duty is almost exclusively confined to revising a solicitor's bill of costs in one branch of his profession—at £2,000 a-year, they, inconsistently enough, starve us, who have to do the work, into something under £300. And in corroboration of this statement let me mention the following circumstance. We advertised a short time ago for an assistant-secretary of our Association, and we required for the office an admitted solicitor of more than ordinary attainments, who would be willing to devote all his time and talents to this work. The remuneration was to be £150 per annum, and we had fifty-three applications for the post. But I adverted just now to the question of our numbers, and I take the liberty of asking your attention to that which I am about to state. I suppose that if our profession be thriving, our numbers ought, upon ordinary principles, to increase, for that which is especially remunerative will provoke a proportionate demand; if, on the contrary, I am accurate in my statement, the numbers might, upon the same principles, be expected to diminish. How stand the facts? In the first report of the Association, published ten years ago, it was stated that the number of clerks articled of late years was in an inverse ratio to the increase of the population; that while, according to a report of the House of Commons, from 1833 to 1839 the number

of articled clerks averaged 528 per annum; during the next five years the average had fallen to 478. I do not know the number of clerks articled last year, fifteen years later, and when the population had enormously increased; but I come to a more accurate test. I find, upon inquiry, that the number of attorneys admitted in the Court of Queen's Bench last year was only 319, against 441 admitted in 1838, 492 admitted in 1833, and 541 admitted in 1828. In the year 1828, when the population was smaller by several millions, the number was 541; in 1838, when it had enormously increased, the number had fallen to 319. I do not know that more conclusive proof could be furnished that, in the estimation of the public and of our own body, our profession is no longer a profitable calling for their sons. Well, gentlemen, herein is a crumb of comfort for us. If much has been taken away, there are, or soon will be, fewer to scramble for the little that is left. But there is more to comfort us than this. I believe that what our branch of the profession has lost in pecuniary advantages, it has gained in status and position. And position is property. It is some years since I had the opportunity of studying Adam Smith, but I remember that he assigns, as a ground for the poor remuneration of clergymen, and officers in the army and navy, that part of their compensation consists in the position they hold in society. Gentlemen, let us take a comprehensive view of this matter. I might say, let us take an elevated view of it, and I know you would respond to the suggestion; for I know well that you would disdain to profit by a faulty system; and that you feel with me that the question of a man's respectability hinges, not upon what he has, but upon what he is, and upon the use which he makes of what he has and is. But, I say, let us take a calm and thoughtful, rather than an excited, view of this subject. In real truth, then, these pecuniary questions are of less importance than they at first sight seem. To a great extent such matters right themselves; for I have endeavoured to show you that the numbers who now enter our profession are, having relation to the increase in the population, probably not one-half what they were 30 years ago. But that is not all. Our sources of income, the character of our practice, and the qualities of the practitioners, are changed, thanks, in a great degree, to the admirable society within whose walls we are assembled—to its library, its lectures, its system of examination, and, I will add, its professional club. We ligitate for our clients less—we negotiate more; we meet upon opposite sides, and with a sense of duty, indeed, to those we represent, but with a respect for justice, and with a desire to assist in accomplishing it. Moreover, not so much by our numbers as by our union, we have become very strong. The Council of the Incorporated Law Society, and the committee of our own Association, know how frank and courteous is the reception we now invariably experience from the highest members of both branches of the Legislature; and you can all of you understand, gentlemen, how great must be the power of a body of 10,000 educated men acting cordially together, and having confidential access to all classes of the community, when, in addition to their personal influence, it is seen that their motives are right, and felt that their cause and their claims are intrinsically just. "This, above all, to our own selves be true"—let us go on cultivating (for the work is begun and is in progress) a high tone of moral and gentlemanlike feeling—let the young men who enter our profession present to themselves the highest standard of excellence—and let us, gentlemen, continue to urge and promote for them that which is a great object with each of our bodies, the Incorporated Society and our own, a high order of education. Into the details of this most important question the present is hardly the time to alter. Still I observe that my friend and colleague, Mr. Cookson, in his excellent paper on the means of elevating and improving the profession of an attorney and solicitor, and increasing its usefulness, read at Birmingham in the year 1855, communicated the views alike of the committee of the Incorporated Law Society appointed in the year 1853, and also of a committee of the House of Commons appointed in the year 1846 upon that subject. The committee of the Incorporated Society recommended that students should be ascertained by examination to possess a competent knowledge of English history, geography, the Latin and French languages, arithmetic, and bookkeeping. The committee of the House of Commons recommended that the examination should also embrace the elements of mathematics and ethics. Gentlemen, fortified by this high authority, I would venture deferentially but earnestly to urge upon the Council the importance of giving some, if not even a prominent, place in any system of examination to ethical subjects. While it is possible to cultivate the intellect without developing in anything like a corresponding degree the moral feelings, it is not possible to teach a system of moral principles without, at the same time, expanding as well as elevating the intellectual faculties; and though the cultivation of right motives and feelings is, of course, an important end of all education, I believe that it is emphatically so in our profession, and especially in that branch of it to which we belong. In the paper of Mr. Cookson, to which I have just referred, he quoted an Act of the Legislature of so old a date as the year 1403, in which it was provided "that all attorneys should be examined by the justices, and that they that were good and virtuous, and of good fame, should be sworn" into their office. And I believe that we observe a practical, though probably unconscious, illustration of that for which I am contending in our ordinary modes of expression. If we refer in terms of commendation to a member of the medical profession, we speak of him as a clever man, an able man, a skilful man. If we refer in a similar tone to a member of our own profession, we speak of him as a respectable man, a respectable practitioner; the press, or a member of the Legislature, will refer to such a man as a highly respectable solicitor. Of course, gentlemen, we know that a certain amount of natural power and of professional knowledge is indispensable to success; but we also know that there is plenty in an attorney's office to sharpen the wits, and that, after all, it is conduct, not cleverness, that is the great thing needful. Gentlemen, upon these important questions we are essentially in perfect accord with the Incorporated Law Society; but I would intreat you, if it were needful, which happily it is not, not to dream of attempting a fusion of the two bodies; the fusion, in truth, is known to be impossible, and the proposition would, in effect, be the extinction of our own society. But the Council of the Incorporated Society and the committee of our own alike know how unwise the project would be, either in the one aspect or the other. We could effect little without the weight and power attaching to the older and larger body; and the Council—many of whose members are members of our own committee, and which of late years has been largely recruited from our body—would willingly admit that their own efforts are rendered more effectual by the co-operation and impulse of our more aggressive and elastic society—not, indeed, endowed with their chartered rights, but not, on the other hand, fettered by corporate restrictions. I see amongst the gentlemen present my friend Mr. Shaw, of Leeds, one of the fathers of our Association, and not the least honoured member of the Council of one body and the committee of the other, and I am glad to know that he entirely agrees in this view. But a still wilder proposition would be that for establishing another and strictly provincial association. May I be permitted to read what was said upon this subject last year—on authority much higher than my own—that of my colleague and predecessor, Mr. Ryland, of Birmingham? He is speaking of the importance of the union in one body of metropolitan and provincial members; and "any separation," he says, "of these two marked divisions would be fatal to our success. As a provincial solicitor, I feel strongly impressed with this truth. It is obvious that the metropolitan solicitors could do without us much better than we could without them. I do not believe that the provincial solicitors could form a coherent body without the metropolitan element. They are the cement which gives us cohesion, and yet, from the deference which has uniformly been shown by the London members of the committee to the opinions and wishes of their provincial brethren (I speak from my own experience), one might suppose that the provincial members were the more important branch." Why, gentlemen, and so they are vastly "the more important branch." The country members of the committee number between seventy and eighty to our thirty; the country members of the Association are out of all proportion more numerous than ours. I entreat them to recognise and realise this, and come and out-vote us, if they will, at every meeting. But in fact, as every member of the committee knows, there is no rivalry between us. Where we are all of one mind, as happens in nineteen cases out of twenty, we act together heartily and energetically; where our views at all differ, as in the question of registration of title, where Londoner differs from Londoner, but not more than Liverpool and Bristol from York and Manchester, and Birmingham from both—one being for, another against, the third divided in opinion—still, gentlemen, not deeming it wise to quarrel about an occasional and quite exceptional difference of opinion, we will communicate harmoniously, and upon points of common interest and feeling we still act cordially together. No, gentlemen, it is not fusion, but rather distinction, not supersession, that must be sought for

Our machinery exists, though it may be made more perfect; we are an organised, recognised body, able to secure attention from the judges and the Legislature, and exercising, I verily believe, a great and important influence for good. It would be madness to sacrifice this power; yet one thing, and one alone—we need to increase it; we need increased numbers. This is the beginning, the middle, the end of our necessity. Give us these, and you give us a powerful secretariat, and an agency which, for all right and reasonable ends, would be irresistible. We are numbered now by hundreds. Let each member of our Association during the next year bring two or three members to join it; we shall then be numbered by thousands, and all that is needed will then follow as a matter of course. But, gentlemen, I must bring to an end the probably too lengthened observations to which you have listened with so much kindness; and I conclude on again expressing to you my conviction that our branch of the profession has undergone, and is in process of undergoing, a great change. We may be poorer men, but I firmly believe that we are stronger men for all that. In the good old days of profitable abuses—of fines and recoveries—of special originals—of cumbrous and needlessly multiplied forms of legal procedure, pressing with cruel weight upon men already too poor to pay the debts which, by this expensive machinery, we were to aid them in discharging—in the days when Lord Eldon could say of a bankrupt's estate, that it seems to be regarded as a kind of stock-in-trade to be shared between the solicitor and the officers concerned in its distribution—in these ways our branch of the profession was rich, was disunited, was weak, was despised. Now, gentlemen, the circumstances and conditions are greatly changed—changed, I say, greatly for the better, if it be true, as it is true, that a "a good name is better than riches." Thank God, I can now say to my son, and to the other articled clerks who have done me the kindness of listening to me, "You must not, indeed, reckon upon acquiring affluence; you must not dream of rivalling your richer clients in expense; but you will be a member of an honourable profession; of a body gradually rising in repute; powerful for the prevention of evil, for the promotion of good. Live with due regard to the responsibilities of your position; and whatever your company, and whatever your outward style and circumstances, it will be your own fault alone if you do not adopt the tone and bearing, and receive in return the treatment, of gentlemen."

Mr. E. W. FIELD read an elaborate paper on "The Education of Attorneys and Solicitors, Preliminary and Professional." He commenced by remarking that, at the present day, there was no subject more interesting to the public than the connexion between professional and general education. The clerical and medical bodies held a much higher status in society now than formerly, which was owing to the greater amount of education diffused amongst those bodies. Such also was the case with the legal profession, and in proportion as the education of solicitors was rendered more diffusive, would they rise in the estimation of the public. Upon the question of education, the differences between the Incorporated Law Society and the London and Provincial Law Association were only those that might exist between any two men having the same object—the permanent improvement of the profession. There was, however, this great difference in the proceedings of the two bodies—the London and Provincial Law Society was an open body, and all its proceedings were public, whereas, to say the least of it, the Incorporated Law Society did not court publicity. . . . Upon the subject of one final examination, what had been the experience at Oxford and Cambridge? They found it necessary to make it impossible for the student to waste all but the last few months of the university career. What did legal students do? Practically, the bulk of them did not begin to study the law, and read in downright earnest till the last few months; and what they then did was an attempt to qualify themselves to pass through the examination safe. They probably went to a crammer, or got a book of all the questions and answers that had ever been put and given. Desperately bad some of the answers were, while many of the questions were such as must be crammed for, and ought never to be put at all. Learning to be permanent must be taken in by slow degrees; a small quantity well stored was of infinitely more value than bushels-full stored in a heap . . . What had been found to be the result of one final examination at Oxford and Cambridge, was also the experience of the Medical Council (for which body they had the highest respect), and they had reformed their examination accordingly. Ought the legal profession to be behind medicine? Did they wish their profession to rank lower in public estimation than the medical profession? Had the legal profession anything like the system of the medical body amongst them? Were their authorities aiming at anything like it? Were they aiming at anything at all? Had they any scheme of policy for future improvement? Would their abortive Act of Parliament of last year admit the adoption from time to time of new improvements, as from time to time they became manifest? It would not; but it sought to fix the present system upon the legal body for all time. He did not believe in commissions generally; but he believed that if the Council of the Incorporated Law Society had appointed a committee of persons accustomed to teach they would have prepared a Bill very much like that of last session in its wording, but wholly different in its effect. He would say, by all means have your scheme flexible, so as to accommodate itself to the necessities of each case. In America, the education of the lawyer was of the most thorough kind; and legal knowledge there was almost the only step to political power. After some further remarks of a general character, strongly advocating a more extended preliminary and professional education, and reprobating one final examination only, Mr. Field referred to the decrease in the number of solicitors admitted in proportion to the population as noticed by the chairman, and added, that whilst such was the case, the number of members of the bar had increased twofold. He said, in conclusion,—The leading object of this Association is to elevate, if they could, the character, position, and public usefulness of the body; and all other methods of effecting this, put together, will do less than will be done by requiring from all candidates a high general professional education. That the right method of effecting this object should be determined, not by a priori reasoning of our own, but by the experience of universities and other schools. That all experience has now condemned, and all other universities have now abandoned as delusive, the test of final examination, and are attempting, instead, to secure long courses of study and training. That examinations are far better done by professional teachers and examiners than by any of our own body not mainly devoted to professional work; and that our committees should be overlookers of their work. That as to preliminary education, the conclusions of the Medical Council are right, and that we should hand over these examinations to the examining boards of the national educational bodies. That these bodies should not be enumerated in our Act of Parliament, but should be variable from time to time. That, as to professional knowledge, we should aim at ultimately having the admission to the bar and attorneyship treated as the granting of two academical degrees; and, in the meantime, we should aim at having more academical methods of instruction, and having the student not left, as now, finally to his own private unaided reading. We should aim at raising up some professional body among us, and at having our examining boards constituted, as much as possible, of those engaged in teaching students professionally; our present examining bodies becoming the managers and controllers, as is now becoming the case in medicine. That, as soon as practicable, we should require as many examinations to be passed by our students as are found expedient in the universities and in medicine; and, in the meantime, should permit and encourage the division of one present final examination into several. That, as part of the examination, books should be named on which examinations should take place; and that examinations should be partly oral; and I will add, that practical work should be given as part of it—that is to say, a short abstract for each candidate to write an opinion upon, and papers upon which cases should be prepared by him, and the like. That more days than one should be given to the examination, and shorter hours each day. That all regulations should be flexible, and open to variation by the judges. That the judges should be enabled and invited to depute their legislative power to retired judges, with more leisure than they can have; or that the whole power should be given, as in the case of the medical profession, to the Committee of the Privy Council. And that the judges should be empowered, on special application, to allow such regulations as those restricting the time with a barrister to one year to be varied in any special case. Above all, that we ought to have a fixed and distinct policy as to future improvements in our mind; and that one Act of Parliament should be drawn so as to recognise the probability of improvement, and provide for it, and not to negative it. Twenty words inserted in the Bill of last session, and as many struck out (perhaps ten each way) would accomplish all these points.

The company then retired for a short time to lunch. Upon their return,

Mr. YOUNG (Desborough & Young) said, as a member of the much-abused Council of the Incorporated Law Society, he would say a few words. He would admit the Committee of the

Incorporated Law Society were fairly amenable to any criticism which the contents of the Bill of last session might fairly expose them, because that might be taken as their matured opinion of what was possible at this particular time on the various subjects with which it proposed to deal, considering the state of opinion in the profession, and in the two branches of the Legislature. The present Lord Chancellor signified his general approval of the measure, and kindly undertook to take charge of the Bill. It was passed by the House of Lords; but when it came to the House of Commons it met with opposition, the most important of which was an interested opposition. That ended in an appeal to the Treasury, who were entirely satisfied with the explanations of the Council, and determined that, notwithstanding this interested opposition, as far as the Treasury was concerned, there was no objection to the Bill passing. Unfortunately, however, the sudden termination of the session was the cause of the Bill not passing into law. He, speaking as an individual, was in favour of more than one final examination; but, at the same time, he did not see how a multiplication of examinations would prevent "cramming." He thought it would rather increase it. Again, suppose a young man came up for examination on any branch of the profession at the end of two years. It was quite evident you could not expect him to have so profound an acquaintance with it then as at a later period; and, supposing he passed his examination creditably at that time, and obtained his certificate, what security was there that at the end of his term he would not even have forgotten, what he then knew when the highest test was not applied, because, of course, it would have been more reasonable to do so? It was because the majority of the Council had not been able to see their way through all the difficulties that presented themselves, and through all the objections that were raised, that they had not thought it expedient to adopt the principle of intermediate examinations. On broad, general matters of principle, there was no difference between the Council and Mr. Field and those who thought with him. All agreed that it was of the utmost importance in these days, when education was making such rapid strides in all classes, that they should keep pace with the public intelligence. All agreed that there ought to be, at some period or other, an examination in general knowledge, and that no man should be admitted to practise in the profession who had not received the education of a gentleman; and in order to encourage young men to subject themselves to the Middle Class Examinations, the Council had proposed to strike off one year out of the five, which showed that they adopted the principle of the Medical Council, which Mr. Field had so much eulogised. With respect to another recommendation of the Medical Council, that an examination in general knowledge should precede professional study, if experience showed that that was a wise and proper course, the judges would make their regulations accordingly.

Mr. Field.—You now reject matriculation. A man who has matriculated at Oxford or Cambridge cannot avail himself of a four-years' service.

Mr. Young said, if in framing the Bill, the Council had not sufficiently worked out some of the details, they would be happy to receive suggestions from anybody, for their only object was to make it as perfect as possible. The Bill, as originally framed, dealt with other matters, but in consequence of an intimation that the clauses would be disapproved of by the law lords and the judges, they were withdrawn. One subject proposed to be dealt with was the invasion of their rights in matters of conveyancing, by persons who were not members of the legal profession; another was the stamping of certificates. It was also proposed by Mr. Hadfield, and it would have been considered, if the Bill had gone into committee in the House of Commons, that graduates in Edinburgh and Glasgow should be admitted after a service of three years. That was acceded to by the Council. It was also proposed by Mr. Locke, that, after a service of fifteen years, clerks should be admitted after a service of three years only. That the Council opposed. It was proposed that the clauses relating to County Palatine clerks should apply only to future clerks, which the Council agreed to thinking it just. It was also proposed that attorneys of the Palatine courts should be admitted to practise in the superior courts without examination. This the Council decidedly objected to. It was also proposed that examinations for matriculation at any of the universities should give the same privilege as middle class examinations as to admission after four years' service, which was under discussion when the Bill was dropped. As to examination during articles, no doubt it was determined, rightly or wrongly, wisely or unwisely, that it was not expedient to introduce that principle. He entirely concurred in all that had been said about the desirableness of co-operation between the Incorporated Law Society and the Metropolitan and Provincial Law Association, and they might rest assured that every suggestion which the Council received was most anxiously and respectfully considered, before they came to any conclusion upon it.

Mr. Blundell thought that no man should be admitted to practise unless he had received the education of a gentleman, for it was impossible, generally speaking, that a superstructure could be safe unless based on a broad foundation. He considered that an examination in Latin, Greek, the modern languages, and science generally, should precede a young man's articleship.

Mr. Rose observed that from Mr. Field's observations he should have considered the Council were the sheep-walkers of the profession, who always went in the one beaten track; but the speech of Mr. Young, in reply, had convinced him (Mr. Rose) that there were several sides to the question. The great question was, what they meant by acquiring education. No doubt, all other classes of society were being highly educated — over-educated — stimulated by competitive examinations, to give large sums to learn something of nine or ten sciences, whereas it would be better if they thoroughly understood one. With regard to the profession, their education only commenced after they were examined and began to study and practise in the world. In this respect, he conceived the Law Institution lamentably to have failed in doing its duty. They found that the members of the Society of Arts, the Chemical Society, the Geographical Society, periodically met together to discuss the matters of those societies. Not so with the legal profession; and the consequence was, that such questions as the law of copyright were being discussed by the Society of Arts instead of by themselves. He would have a more frequent intercourse between the older and younger members of the profession, and he thought both would derive benefit and advantage from it.

After some further discussion upon the question of one final or intermediate examination, in which Mr. Cox, Mr. Young, Mr. Field, Mr. Rose, Mr. Livett, Mr. Ryland, Mr. Samuel Shaen, Mr. Bower, Mr. Shaen, M.A., and Mr. R. A. Payne, took part,

Mr. Cox proposed, and Mr. Field seconded, the following resolution, which past with two dissentients:—"That, although there is a difference of opinion as to the propriety of there being more than one examination of students in professional knowledge, it is the opinion of this meeting that, in any new Acts of Parliament on the subject of legal education, there should be included a power to the judges of requiring, if they should think fit, the examination of students during articles, as well as after their expiration."

Mr. Cox moved, and Mr. Bower seconded, the following resolution, which passed unanimously:—"That the Committee of the Metropolitan and Provincial Law Association be requested by this meeting to confer with the Council of the Incorporated Law Society on that subject, and otherwise in relation to the subject of professional and general education."

Mr. Miller (of Bristol), read a paper on "Trade Protection Socie ies and Offices, and the Relation of Solicitors thereto." He was solicitor to a trade protection himself, and he would ask whether there was any great difference between such an appointment and that of the appointment of some eminent firms, and individuals as solicitors to public companies, which appointments were so eagerly sought after? A question had been raised as to the legality of such societies, but an opinion had been given by an eminent counsel, that there need be no apprehension on that point. As in the report of the Incorporated Law Society a complaint was made of practitioners allowing their names to be used as solicitors to such societies, he had taken the trouble to find from an examination of the Law List whether these were young and needy members of the body. He found that such was not the case, but that such appointments were held by eminent members of the profession, according to the advertisements of a Mr. Stubbs, who was the party now doing, he believed, the largest business as a trade protection agent. He also read an extract from a solicitor's bill of costs, which had lately come before him, and he drew the conclusion that trade protection societies were the consequence of such enormous and vexatious charges.

Mr. Lawrance said, he rather gathered from Mr. Miller's paper that he eulogised trade protection societies as affording the creditor an easier and less expensive mode of obtaining payment of his debt. He (Mr. Lawrance) believed that the instances to which Mr. Miller had referred were extreme, and he hoped for the credit of the profession they were exceptional;

for more atrocious charges he never heard grouped together. The race of such practitioners might be a lively one, but it would be a short one, for no respectable tradesman would submit to pay such charges twice. He believed trade protection societies to be exceedingly mischievous, because they placed the debtor entirely out of the reach of the sympathy of the creditor, and were often the cause of a poor man's downfall. If solicitors choose to regard trade protection societies as corporations, and were paid by them in the same manner as corporations pay their solicitors, possibly there could be no objection raised against it. But there was something very disreputable and highly objectionable in any solicitor doing business for a company or association on terms different from those for which he would do the same business for an individual. He was quite sure that the Metropolitan and Provincial Law Association would combine with the Incorporated Law Society in denouncing such a practice, and he for one should require some proof before he believed any statement put forth by Mr. Stubbs.

Mr. RYLAND thought it was unprofessional to give services for a salary, because it was subscribed by a number of persons having a common interest. If they sanctioned such a principle, they would next have conveyancing societies, which it had been attempted in some places to establish. He recollected seeing tenders advertised for in Birmingham, to know what solicitors would charge each for all the conveyances of a freehold land society.

At this stage, it now being five o'clock, the proceedings of the day were adjourned.

The company then repaired to the London Tavern to dine together, under the presidency of the Right Hon. the Lord Mayor.

The usual loyal toasts having been drunk with enthusiasm,

The CHAIRMAN, in proposing the toast of the evening—The Metropolitan and Provincial Law Association—said, the assistance the society had given the Legislature, in the passing of Acts of Parliament, was most signally beneficial, and it was well for the country that such a body of gentlemen were united together for the sole object of amending the laws and improving the institutions of the land. He was glad that such an association existed, and he hoped its labours would long continue to benefit the community. An association of such men had a great influence upon society, for its object was to promote peace and harmony throughout the kingdom. He found that they numbered only about 600 members, but he thought they should number treble that amount; and he believed if proper means were used the Association would greatly increase and prosper.

Mr. BEAUMONT, in acknowledging the toast, referred to an interview which some members of the body had had with Lord St. Leonards, and he (Mr. Beaumont) confessed that he had been ignorant all his life that his Lordship was such a lover of attorneys. He believed that the public in general were not lovers of attorneys, though the body was certainly rising in public estimation; and, while they acted upon the principle of doing that which was right, despite its effect upon themselves, they would continue to receive the respect of their fellow-men. Mr. Beaumont, in conclusion, paid a compliment to the Lord Mayor, and expressed the obligation the society felt under for his Lordship's presiding upon the occasion.

His LORDSHIP, in returning thanks, said, the duties of his office during the past year had been many and onerous, but he had endeavoured to discharge them conscientiously, for the benefit of his fellow-men; and concluded by inviting the members of the Association to a luncheon at the Mansion-house, on Friday.

His Lordship having vacated the chair, it was taken by J. BEAUMONT, Esq.

Mr. YOUNG, in an amusing speech, proposed the Legislature, and observed that the "love of attorneys" on the part of Lord St. Leonards, which had been referred to, was best evidenced by the Bills he had introduced; and he was very much of opinion that there was not much love for attorneys on the part of either branch of the Legislature, but, as a member of the public, he had much pleasure in proposing the health of the British House of Commons. It had been said there were too many lawyers in the House already; that remark, however, did not apply to their branch of the profession, and he would be glad to see more members of that branch of the profession members of the Legislature.

Mr. A. R. BRISTOW, M.P., acknowledged the vote. He agreed with what had been said out of doors, that there were too many lawyers in the House already; but, as Mr. Young had said, they were not members of his branch of the profession, and that was one great reason which induced him to enter the Legislature.

Mr. J. H. SHAW proposed the "Bench and the Bar." He would be glad to believe that the bench and the bar entertained that love for attorneys which they had heard operated so powerfully in the breast of one, who was so great an ornament to both bench and bar—Lord St. Leonards. He (Mr. Shaw) had the greatest pleasure in acknowledging the dignified calmness of the judges of England—a calmness which he believed they possessed beyond the judges of any other country. Though he would not disguise that there were differences between the attorneys and the bar, yet he was happy to tender a mark of respect to the bar of England, which, as now constituted, was a fit nursery for the judges of the land.

Mr. J. NAPIER HIGGINS, in responding to the toast, said, he had no doubt that when the bench and the bar learnt that their health had been proposed so courteously, and responded to so heartily, in a body composed of the elite of the metropolitan and provincial solicitors, it would be received with that gratitude which it deserved. He regretted that a member of the bench was not present to hear the remarks of Mr. Hope Shaw, and to perform the duty which he (Mr. Higgins) so unworthily fulfilled.

Mr. T. P. BUNTING proposed "The Incorporated Law Society." He regarded that society as the head, originator, and protector of legal reforms; and while it was such a benefit to the profession, it was undoubtedly a blessing to the country at large.

Mr. W. S. COOKSON, Vice-President, responded to the toast, and urged the necessity of organisation and union amongst the members of the profession.

"The Provincial Law Societies," proposed by Mr. T. H. BOWER, and responded to by Messrs. H. S. Wasborough, J. Burrup, of Bristol, and Johnson of Birmingham.

"The Press," proposed by Mr. H. LAKE, acknowledged by Mr. R. Maugham, and Mr. W. Shaen, M.A. followed.

Mr. RAWLINGS, of Birmingham, proposed the health of the Chairman, which was drunk with enthusiasm, and the Chairman, in acknowledging the compliment, proposed the health of Mr. W. Shaen, M.A., which was also cordially drunk, and the proceedings soon afterwards terminated.

[In subsequent numbers we shall print in full the valuable papers which have been read at these meetings.—ED. *S. J.*]

Thursday, October 27th.

The members of the Association reassembled at ten o'clock this morning, in the council-room of the Law Institution; Mr. JAMES BEAUMONT presiding.

Mr. MORRIS (firm Ashurst, Son, and Morris) then proceeded to read a paper on the Admiralty Court of London. He congratulated the members upon the passing of the Act of last session, which enabled solicitors and barristers to practise in the Admiralty Court, which they could not formerly do. Up to the period of what were called the Restrain Statutes, passed in the reign of Richard II., the Admiralty had very large jurisdiction; but by the construction put upon these statutes, by the Common Law Courts, in consequence of the growing feeling of the people in that direction, the Admiralty Court was shorn of much of its ancient splendour. The important Act of the 3rd and 4th Vict. c. 65, again extended the jurisdiction of the Court of Admiralty as to mortgages. Its criminal jurisdiction was a very important one originally, but that was taken away by the 17th of Vict., and was now vested in the Central Criminal Court, and in the Justices of Assize. Mr. Morris then reviewed the various steps in the two modes of procedure of *in rem*, and *in personam*, and referred, as an amusing incident, to a case in which a question had arisen as to whether a female mariner was entitled to the aid of the Court in enforcing her claim, and Lord Stowell had decided that as she had performed her work well, she was entitled to the same protection as any other mariner. In reference to proceedings upon bottomry bonds, Mr. Morris said, it would appear strange to them, perhaps, who were accustomed to deal with first, second, and third mortgages, that the order was reversed, and the last claimant had the first lien; but the reason of the thing was obvious when reflected upon, because the last claimant brought the vessel home. Proceedings on mortgages and in possessory suits next came under review. The Court of Admiralty formerly exercised a very important jurisdiction, he said, with reference to the claims of "material men;" that is, persons who supplied material, for the ships were held to have a lien upon

the vessel, but the prohibitions granted by the Common Law Courts took away the Admiralty Court jurisdiction in this respect. The paper then proceeded to notice the various branches of procedure in the Court of Admiralty, and concluded by congratulating the profession upon the removal of the restriction which formerly existed, prohibiting solicitors from practising in that court.

At the conclusion of the reading of this paper the half-yearly meeting of the Solicitors' Benevolent Association was held after which

The sittings of the Metropolitan and Provincial Law Association were resumed, Mr. HOPE SHAW (of Leeds) presiding, in the absence of Mr. Beaumont, whom important business called elsewhere.

The afternoon was occupied with the reading of papers by

Mr. J. TURNER (of London), on the Registration of Titles.

Mr. J. LIVETT (of Bristol), on Lord St. Leonards' Bill (the Trustees Relief Act).

Mr. ALFRED COX, on Land Transfer.

Mr. SHAEN (in the absence of Mr. J. Rayner, of Huddersfield, the author), on the Purification and Registration of Titles.

Mr. BEAUMONT having returned, resumed the chair during an animated discussion upon the question of registration of titles, in which Mr. Hope Shaw, Mr. Blundell, Mr. T. P. Bunting, Mr. E. W. Field, Mr. J. Anderton, Mr. Lovell, Mr. Eddison, Mr. Livett, Mr. Ryland, Mr. Lawrance, and Mr. Rose, took part.

Mr. SHAEN moved, and Mr. WASBROUGH seconded, a vote of thanks to the Council of the Incorporated Law Society, for their liberal reception of the members of the Metropolitan and Provincial Law Association; and to Mr. Maugham, the secretary, for the mode in which he had carried out the intentions of the Council, which passed by acclamation.

Mr. LAWRANCE, in acknowledging the vote, disclaimed all spirit of rivalry between the two bodies.

Mr. THORLEY moved an expression of acknowledgment of the very kind and hospitable manner in which the Lord Mayor had invited them to lunch with him on the morrow (Friday).

Mr. RAWLINGS seconded the motion, which was cordially carried.

Mr. ANDERTON, on the part of the Lord Mayor, expressed his Lordship's regret that his state of health prevented him asking the members of the two societies to dinner.

Votes of thanks were cordially passed to his Grace the Duke of Wellington, and to the Right Hon. the Earl of Ellesmere, for having accorded the members permission to view Apsley and Bridgewater House.

A vote of thanks to the metropolitan members, for their hospitable entertainment, was also unanimously carried.

Mr. HOPE SHAW moved, and Mr. ANDERTON seconded, in appropriate terms, a vote of thanks to the Chairman, for the able manner in which he had presided over them.

The CHAIRMAN, in acknowledging the vote, said, he wished to impress upon them the importance of two words —Union and Numbers.

It now being nearly six o'clock, the company proceeded to a soirée, to which they were invited by the Council of the Incorporated Law Society in another room.

Friday, Oct. 28th.

This day was spent in visits to Apsley-house, Bridgewater-house, the Crypt at Guildhall, &c., and a lunch provided for the members by the Lord Mayor.

Solicitors' Benevolent Association.

The third half-yearly meeting of the Solicitors Benevolent Association was held on Thursday last, at the Law Institution, Mr. HOPE SHAW, of Leeds, being unanimously voted to the chair.

The CHAIRMAN said:—If there was one society connected with the profession with which, more than another, it must be the pride and the pleasure of every one of them to find his name prominently associated, it was the Solicitors' Benevolent Association. In one respect, at least, he might claim to have his name associated with it, because he was the coadjutor of his friend, Mr. Anderton, at the meeting in Liverpool of the Metropolitan and Provincial Law Association, at which the plan of the Benevolent Association was first proposed, and where, thanks to Mr. Anderton's energy and ability in supporting it, it was received with unanimous and cordial approbation. With this society, the name of Mr. Anderton would ever be associated, not only as the name of one of its founders, but as one by whose indefatigable attention and unbounded liberality, it had been conducted up to the present time, and attained a degree of prosperity and stability, which, though it did not equal their wishes, must, at all events, afford every one the highest satisfaction. He need not enforce the claims which the society had on the support of the attorneys and solicitors of England and Wales, because those claims had been, during the last twelve months, so powerfully enforced. In a profession where everything depended not only on the preservation of a certain degree of bodily health, but on preserving, unimpaired their mental power, which are essential to carrying on their profession, it was, above all things, incumbent upon its members to make provision for those who suddenly, and without any fault of their own, were liable to be reduced to a state of destitution. In one sense, he could hardly call it a charitable institution. He agreed with the view which Mr. Cookson had taken of it at one of its meetings, namely, that it might be considered a mutual benefit and mutual insurance society; those amongst them who happened to be unfortunate, getting the benefit of that insurance towards which they all contributed.

The Secretary having read the circular calling the meeting,

Mr. JAMES ANDERTON read the report, which stated that 222 additional members had been enrolled within the last half year, being an average increase of thirty-seven new members during each of the six months, in lieu of the monthly average of only twenty-five during the previous half-year. The receipts during the half-year were as follows:—In addition to the balance in hand at the date of last report, 245*l.* 6*s.* 1*d.*; the life and annual subscriptions, 1,373*l.* 8*s.*; donations, 230*l.* 5*s.* 6*d.*; dividends on stock, 39*l.* 15*s.* 6*d.*; total receipts, 1,888*l.* 15*s.* 1*d.* Out of this amount a further sum of £1,300 had been invested, increasing the stock to the sum of £3,127. The total of disbursements was 367*l.* 4*s.* 9*d.*, leaving a balance in hand of 221*l.* 10*s.* 4*d.*, in addition to a sum of £200, promised subscriptions, still outstanding. Of the measures adopted during the past half year, to promote the interests of the Association, the public dinner held in April last, under the presidency of the Right Hon. the Lord Mayor, proved highly advantageous, both as tending to render the society's existence and operations more widely known, and also as augmenting its finances. The subscriptions and donations which were received upon that occasion amounted to nearly £1,000. The number of members now enrolled is 622—of whom 204 are metropolitan, and 418 provincial practitioners—300 are life members, and 322 are annual. Mr. Anderton moved the first resolution to the following effect:—

That this meeting approves the course taken by the directors in holding the present half-yearly meeting in London instead of the country; that the report and financial statements this day submitted be received and adopted, and that the same be printed and circulated with the proceedings of this meeting.

He said, the Chairman had stated yesterday that the average income of solicitors was not more than £300 a-year, and that of itself was sufficient evidence of the necessity of such an Association, for they might well conceive what claims were likely to fall upon them. He believed that the Solicitors' Benevolent Association would prove a blessing to the profession.

Mr. C. A. SMITH (of Greenwich) seconded the motion. He had understood there were some parts of the country where local benevolent societies existed, though naturally limited in their funds and sources of action. As the Solicitors' Benevolent Association progressed he hoped to see all these smaller societies merged into it in order that the finances might be more advantageously managed, though not at all doing away with local management, because it was specially provided by the rules that local objects should be carried out by local assistants.

The resolution passed nem. dis

Mr. S. WILLIAMS, of Clapham, moved the second resolution as follows:—

That this meeting, in expressing its satisfaction at the progress of the society, desires very earnestly to recommend the benevolent objects of the institution to those members of the profession who have not yet contributed to its funds, and to request for it their early and generous support.

He felt sure that the objects proposed to be accomplished by the Association must insure the approbation of all. Those objects comprised, first, the relief of the members of the Association who might fall into indigence and trouble. It was well known that if from unforeseen accidents they

were disabled from attending to their business, their clients left them and sought advice elsewhere, and thus their income was gone. It was necessary, therefore, that such an Association should exist, in order that it might step forward as the friend of the needy. Again, if any member of the profession was called away from this scene of labour, and his family whom he had toiled to bring up in respectability were reduced in their circumstances, the society again stepped in as the friend of the needy. The funds of the Association, however, were at present so limited, that they were not able to accomplish the good that they wished, and he earnestly hoped that it would receive a large additional support.

Mr. MAUGHAM seconded the resolution, and said, he could personally bear testimony to the necessity that existed for the Benevolent Association, and also for a large increase of its funds. He was constantly receiving letters inquiring whether such a fund existed in connection with the society of which he was the secretary; and the want of some such funds was especially evident towards the close of the legal year, for the purpose of the renewal of the certificate, in order to keep gentlemen on the rolls.

The resolution passed unanimously.

Mr. EDDISON (of Leeds) moved, "That the present Board of Directors be re-elected for the ensuing year." He suggested that the directors, instead of investing their money in the funds, should place it out upon real security, and thus increase their income at least fifty per cent.

Mr. R. A. PAYNE (of Liverpool) seconded the motion, and said, he concurred in the suggestion made by Mr. Eddison.

Mr. T. P. BUNTING thought it was worthy the attention of the directors, whether one of the clauses of Lord St. Leonards' Act did not meet the difficulty. Bank Stock and East India Stock would pay four per cent.

Mr. TURNER said, East India Stock would pay 4¼ per cent.

The CHAIRMAN said, there was nothing in the rules which obliged them to invest in the 3 per cents.

The resolution passed unanimously.

Mr. THOMAS HARRISON (Deputy-Chairman), moved the next resolution, by which it was proposed to appoint six new metropolitan and ten new provincial solicitors as directors for the ensuing year. He said the discussion which had taken place must have brought all to the conclusion that this institution was useful in every way, whether as combining them together, or as affording relief to their more necessitous brethren. It appeared that the number of its members was still under 700, while there were more than 9,000 members in the profession. The effect of an increase in the board of management would, it was hoped, have the effect of inducing a much larger number of persons to join the society, and it was for that reason that he proposed to augment the number of directors, both metropolitan and provincial.

Mr. E. BANNER (of Liverpool), seconded the motion, which passed unanimously.

Mr. BELL (of Liverpool), inquired whether local committees and corresponding members had been appointed. He attached great importance to such appointments.

Mr. SHAEN said, the best answer he could give to Mr. Bell's inquiry was, that they really considered every country director a corresponding member; with regard to local committees, none had yet been appointed, because the main business of such committees was supposed to be inquiries into cases of application for assistance, which, at present, they were not in a position to render.

Mr. BELL considered it would be much better if some one or more members, in different places, were specially authorised or requested to become corresponding members.

Mr. KENNEDY (of London) moved,—

That Mr. George Capes, of Gray's-inn, and Mr. John Kendall, of Lincoln's-inn, be elected auditors of the accounts for the ensuing year.

Mr. SHAEN, in seconding the resolution, observed, that it had been remarked that this society had started none too soon, and that remark he could confirm. When he was acting as honorary secretary he received several requests for assistance, and very lately he had had a letter from a lady, the daughter of a solicitor, the authoress of several works, who was now in very humble lodgings in St. John's Wood. That lady was in a most pitiful state, for she informed him that she was without either blanket by night or shawl by day to cover her, and she most earnestly requested to have her case brought before the society, that she might obtain aid to enable her to emigrate to Auckland. The Lord Mayor, on being informed of her situation, had kindly offered £5, should other gentlemen also assist. He would refer to an objection which had been made to the claims of the institution, namely, that an entrance fee of one guinea was required from annual subscribers. The objection was put in this way, that it was a fine for being permitted to subscribe to a charity; but their object was simply to get a good fund, and to ask two guineas was to ask only a very small sum. His own view was, that it would be wise to keep to this condition.

Mr. EDDISON said, he had found the guinea entrance fee objected to.

Mr. ANDERTON reminded the meeting, that they were always willing to receive guinea subscriptions; but the payment of a guinea entrance fee constituted a person a member, and entitled him to an immediate participation in the benefits of the Association.

Mr. R. H. FIRAND (of London) objected to the entrance fee.

Mr. HARRISON said, the objection was not at all new to the directors; it had been thoroughly discussed, and the directors had come to the conclusion that it was preferable to retain it.

Mr. THORLEY (of Manchester) considered it a great boon to be allowed to pay a guinea, and become at once entitled to participate in the benefits of such an Association.

Mr. TORR (of London) said, he was originally in favour of the retention of the entrance fee; but he confessed that the practical working of it had greatly shaken his faith in the propriety of it. He would therefore give notice, that at their next meeting he would take the sense of the members upon it.

Mr. KENNEDY suggested that the first year's subscription should be made two guineas instead of one, which he thought would get rid of all objection.

Mr. MAUGHAM thought it would be as well, perhaps, to rule that the payment of one guinea subscription should not entitle a party to participate in the benefits of the Association till the expiration of two or three years.

Mr. BAKER (of Derby) had found the entrance fee objected to.

Mr. PAYNE (of Liverpool) said, he had not heard objections raised against it.

Mr. AVISON hoped the matter would be reconsidered by the directors during the next six months.

Mr. HERBERT NEW moved, and Mr. GIRAUD seconded, a vote of thanks to the directors and auditors, which passed unanimously.

Mr. KELSEY (of Salisbury) moved a vote of thanks to the Council of the Incorporated Law Society, for allowing the use of their room for the present meeting, which was seconded and passed nem. dis.

Mr. BOWER inquired when the time would expire at which relief could be afforded.

The CHAIRMAN replied that it would expire almost immediately.

A vote of thanks to the Chairman terminated the proceedings.

National Association for the Promotion of Social Science.

A Paper read at Bradford, October 11th, 1859, by Mr. DANIEL, *Q.C., "On the recent Reforms in the Court of Chancery."*

The subject of the present paper is the consideration of the effect of the recent reforms in the Court of Chancery, first, with reference to the transaction of business in the Judges' Chambers; secondly, the mode of taking evidence before the hearing; thirdly, the mode of trying disputed questions of fact by the Court.

The Court of Chancery has long borne a very bad name—has, by former misdeeds, acquired a most unenviable notoriety. Very bad things have been said of it. This Court has been denounced in high places as little better than a public evil, and so incurably bad, that no sane man would think of adding to its jurisdiction *nihil tetigit quod non destruxit.* Its ruinous and heartrending delays and expense, the immense preponderance of evil over good, which it inflicted on its suitors, the many attempts to amend it, all proving abortive: these have been relied upon as irrefragable evidence that it was incorrigible. *Delenda est Carthago*, was the public cry raised against it. Far be it from me to say, that the Court, in its unreformed state, did not deserve all the obloquy heaped upon it—had not provoked the extinction which seemed to threaten it. But, as when all other remedies have failed, the apparently dying man

is sometimes restored to health and vigour by the unsparing use of the knife, cutting out the deadly cancer, so, by the bold course of excising the old masters and their decrepid procedure and jurisdiction, the Court of Chancery would appear to have revived. When Jonah was thrown overboard, the raging sea grew calm and the ship righted. The observations I am about to address to you have reference to the Court of Chancery as it is, not as it was.

Although I would neither overlook nor undervalue the extent or importance of the several reforms which preceded the report of the Chancery commissioners of January, 1852, especially those effected during the Chancellorships of Lord Lyndhurst in 1828, and Lord Cottenham in 1845, nor the excellent provisions of Sir George Turner's Act of 1850; yet I venture to date the commencement of an effective radical reform in the Court of Chancery from the time when the several Acts of Parliament for the abolition of the masters, 15 & 16 Vict. c. 80, and the improvement of the jurisdiction of equity, 15 & 16 Vict. c. 86, came into operation—that is, the 1st of November, 1852. These, as you are aware, are the Acts which were introduced to carry into effect such of the recommendations of the Chancery Commissioners contained in the report just referred to as it was deemed by Parliament expedient at that time to adopt.

Sufficient time has now elapsed since the changes effected by these Acts were introduced to enable some judgment to be formed of their character from actual experience of their working. These changes have necessarily subjected the judges to increased labour and responsibility, and practitioners to the inconvenience of novel procedure and the risk of diminished income, but none of these considerations have operated to the prejudice of the changes. It is but mere justice to observe that the judicature and the profession, in all its branches, have co-operated cordially and zealously to promote their efficiency and secure their success.

The Parliamentary return recently published, entitled "Judicial Statistics, 1858," as analysed and arranged by Mr. Redgrave, contain a mine of most valuable information as to the working of the several branches of our civil judicature; and will materially assist the public and the profession in forming a correct judgment, not only upon the question, whether the reforms already effected have worked well, but upon the questions, what direction further reform should take, and what character it should assume. These returns, so far as they relate to the Court of Chancery, show that, while the business transacted in court has been stationary—perhaps declining, certainly not increasing—the business transacted in chambers has enormously increased; and that increase has not been sudden, but progressive, year by year. It is to this business, and some considerations to which it gives rise, that I beg now to direct your attention. The returns as to business transacted in chambers are represented to have been made up by the chief clerks, under forms prepared under the superintendence and with the sanction of the judges. They show these results:—

	1858.	1857.	1856.	1855.	1854.	1853.
Summonses originating proceedings in chambers	650	554	518	447	463	475
Other summonses	15,427	14,528	13,896	11,630	10,974	6,862
Orders drawn up in chambers for time to plead, &c.	4,038	3,756	3,855	3,947	3,498	2,550
Orders made in chambers to be drawn up by the registrars	5,504	—	—	—	—	—
Advertisements	961	871	878	889	794	800
Certificates	2,211	2,101	2,004	1,802	1,546	396

The above returns do not include the year 1859.

The half-year's return for 1859 is as follows:—

Summonses to originate proceedings—
- For the administration of estates 137
- Under the Charitable Trustees Act 17
- For appointment of guardians and maintenance of infants 80
- For other purposes 92

326

Other summonses 5,264

Orders made of the class drawn up by the registrars 3,067

Of the class drawn up in chambers 1,852

Orders brought into chambers for prosecution (including nine for winding up companies) .. 790

Debts claimed and adjudicated upon—
- Number of debts 6,739
- Amount of debts proved £3,973,606 0 0

Accounts passed (other than receiver's accounts)—
- Number of accounts 413
- Receipts therein £23,944,094 0 0
- Disbursements and allowances therein 2,874,592 0 0

Receiver's accounts passed—
- Number of accounts 183
- Receipts therein £449,326 0 0
- Disbursements and allowances therein 344,542 0 0

Sales of estates under orders of Court—
- Number of sales 362
- Amount realized £1,075,263 0 0

Purchases of estates under orders of Court—
- Number of purchases 63

These are exclusive of business transacted under winding-up orders.

Winding-up business for 1858—
- Number of contributories included in lists of contributories 1,435
- Number of contributories excluded from lists of contributories 86
- Amount of calls made under orders for winding-up companies £2,498,749 9 6
- Number of appointments (by summonses, adjournment, or otherwise) disposed of 14,135

The returns also showed—
- Number of orders under which accounts and inquiries are still pending 2,700
- Number of orders for winding up companies still pending 66

These returns exhibit an amount of business done which cannot fail to excite public attention. The quantity is astonishing! The question immediately suggests itself—how has it been done? Is it merely so much business despatched? or has justice been satisfactorily administered in the great number of cases which have thus been dealt with and decided upon? It cannot be doubted that in the result and consequences of the business thus transacted, very many persons must have been more or less seriously affected; the public hears no complaint of injustice done, or justice denied. Is the inference warranted, that justice has been well administered? Many of the cases must have involved the decision of important questions of law and fact; and the opportunity of raising these questions, and having them properly discussed, ought to have been, and it may be presumed has been, afforded. If the question has been one of law it must have been argued; if of fact, it must have been properly sifted, and evidence taken when necessary, or surely discontent and dissatisfaction on the part of the suitor would be heard.

Speaking in the interests of the profession and the public, I think it would have been more satisfactory if the returns had shown something more than *the quantity* of business done. In my judgment, it would be very desirable to know how the business has been distributed between the chief clerk and the judge; how many contested orders have been made and adjudicated upon; and how many by the judge, personally, after hearing the parties, and the evidence, and how many by the chief clerk, personally, without the interference of the judge; in how many cases evidence has been taken, and whether by affidavits or oral examination of witnesses, and whether before the judge or the chief clerk, and what has been the procedure by which the true question to be tried has been ascertained.

The proper decision of the grave and important question, adverted to by the Chancery Commissioners in their report, of blending our courts of Common Law and Chancery into one court of universal jurisdiction in civil cases, or as generally understood, *the fusion of law and equity*, may, as it seems to me, be importantly affected by the experience derived and to be derived from the mode of transacting business in the chambers of the Chancery judges. But the public requires more information upon the details of these proceedings than it is yet in possession of, before any positive judgment can be formed. If, however, the simplicity of the procedure adopted in chambers can be made effectual for the proper and satisfactory decision of the many important and complicated questions which may and do arise, then, if also it may be assumed that the quantity of business already done has been done to the satisfaction of the suitor, it may be thought that we have made some progress towards the solution of that most difficult problem, how to administer the maximum of justice at the minimum cost of time and money to the suitor; and we may be disposed to believe that a system of summary procedure, conducted from the beginning and throughout under the personal superintendence and control of a judge of high authority and full jurisdiction, *par negotiis nec supra*, assisted by competent ministerial officers, acting under him, and in direct personal communication with him, might be made of universal application in civil cases, and the artificial distinction between law and equity as it exists in our present system of procedure be done away with. Under such a system

it would be unnecessary to consider whether the demand or the defence was legal or equitable. Under it circuity of action, as well as prolixity and falsity of pleading, might be avoided. The seemingly endless series of tormenting equivocations which once constituted, if they do not now constitute, the distinguishing features of common law pleading, would be out of place. Declarations, pleas, replications, rejoinders, surrejoinders, rebutters, surrebutters—these would cease to interest any but the legal antiquarian. The failure of justice so often arising from restricted jurisdiction and imperfect procedure need no more occur. A plaintiff in equity need never again have his bill dismissed because his remedy was at law, nor a defendant at law be driven to equity for protection. The evidence might be taken in the mode which the interests of justice required—written when sufficient, oral when proper. The true question to be determined would always be ascertainable, and might, therefore, be ascertained beforehand. Juries would no longer be summoned to try cases for which they were unnecessary or unsuited; their intervention would be reserved for those cases only in which it had been ascertained that the "*nodus indicis dignus*" existed. The trial would be in the form and before the tribunal best calculated to elicit the truth. The decision would be upon the real merits, without risk of failure through technical defect, for the judge would be present, superintending and controlling the whole procedure from the beginning to the end; preventing unnecessary litigation, immaterial issues, irrelevant evidence, and insuring a decision on the true point. And, as a check on this judicial power, an easy and direct opportunity of appeal might be afforded for the correction of every error. If I might be allowed a familiar illustration, I would liken the influence and effect of the judicial control of which I have spoken, in keeping litigation within its proper limits, and confining it to its proper object, to the operation of the cotton-spinner, who, in order to secure the production of a good yarn, gets rid of "the devil's dust" as early and effectually as possible; or, again, to the operation of the combined thrashing and winnowing machine used by our agricultural friends, which is always blowing away the chaff, while it is, at the same time, separating and securing the grain. I may also observe, that the *judicial statistics* to which I have before referred, are valuable for another purpose, to which I may be permitted to allude. They show the returns of a limited local jurisdiction, in which equity is administered on the spot, namely, the Court of Chancery for the County Palatine of Lancaster. If justice is well and satisfactorily administered in that court in the matters exhibited in the returns contained in these statistics, Yorkshiremen may ask themselves this question—if local administration of equity is beneficially applicable to Lancashire, why should it not be with like benefit applicable to Yorkshire? and if to Yorkshire, the general public may ask why not throughout the kingdom? The example and experience of Lancashire supply matter for reflection.

I now come to the second subject proposed, namely, the mode of taking evidence before the hearing upon disputed matters of fact. The mode is this—the pleadings in all their prolixity and complexity (for they are still sometimes unnecessarily prolix and complicated) being complete, either party, if the other do not object, may prove his case by affidavit, and the other party is at liberty to cross-examine the witnesses vivâ voce before an examiner. If affidavits are objected to, then the witnesses must be produced for examination vivâ voce before the examiner, with power to the opposing party to cross-examine. If affidavits are used, they are prepared by the professional adviser of the party using them. The examination and cross-examination are conducted in the presence of the parties, with or without professional assistance, and the examiner takes down the effect of the witness's statement in the form of a narrative, with power to take down question and answer if specially important, and he think it right so to do. These examinations, when completed, are signed by the witnesses, certified by the examiner and returned to the office of the record and writ clerks, who deliver out office copies for the use of the parties. There are two permanent examiners, officers of the court, expressly appointed for the purpose of taking evidence, but special examiners may be appointed for particular cases. The examiners, whether ordinary or special, have no power to determine the relevancy or irrelevancy of the evidence, or the propriety or impropriety of any particular question. If objection be taken to the evidence or question, the examiner's duty is to note it on the examination, so that the Court, when the evidence is used at the hearing, may decide upon its propriety, and admit or reject it as may be just. At the hearing, the judge has these written documents, whether affidavits, depositions, or cross-examinations, before him, and decides according to his view of their effect. If he is not satisfied he has power, *if he sees fit*, to require the attendance and oral examination before himself, of all or any of the parties or witnesses. This system was recommended by the Chancery Commissioners, and that recommendation was adopted by the Legislature; and effect is given to the system and its details by the Acts before referred to.

As applied to cases of undisputed facts, or facts which, not being denied, require only to be substantiated to the satisfaction of the Court, or the party to be affected by them, the system works well enough. But as applied to disputed facts, it is, in my humble opinion, not only inefficient, but positively mischievous. It will be observed, that the system is neither entirely secret nor entirely open. It is not secret, because the parties and their legal advisers know what the evidence is while in course of being given, the oral examination of witnesses being conducted in their presence. It is not open, because the oral examination does not take place in public, nor in the presence of the judge who has to decide upon its effect; and though the witnesses may be orally examined before the judge in public, this oral examination cannot be insisted on by the party *as a right*, it is entirely discretionary with the judge. The Commissioners, though recommending the system, appear to have been sensible of its imperfection, and to have adopted it as a middle course—a choice of evils. They say in their report (p. 21)—

> The object in all cases is to have the best guarantee for the truth consistently with the practical administration of justice.
>
> *The best course would doubtless be to examine and cross-examine the witnesses in open court, before the tribunal which has to judge according to the evidence.* But, practically, it would be impossible to carry on the business of a court of equity if all the evidence were taken vivâ voce before the judge; and the inconvenience to persons liable to be called as witnesses would be intolerable if they were brought to London and kept until the cause or matter was called on; while the expense to the parties would make justice itself too dear.

Speaking with great deference, I think the fear of the extent to which the taking vivâ voce evidence before the judge would disturb the ordinary course of business, as well as the expense, was exaggerated; but whether exaggerated, or not, was not a sufficient or proper ground for the recommendation. I think it was exaggerated, because the cases in which it would be proper to take it, namely, those involving really disputed facts, are comparatively few, and those few might be ascertained when the pleadings are complete, and be kept separate and heard at appointed times, and this would allow of convenient arrangements being made for the attendance of witnesses, and I think that the practice once established of examining orally before the judge, would soon lead to an improved manner on the part of counsel in conducting such examinations, tending greatly to precision and brevity. But if it should appear that such cases, when properly arranged and properly conducted, were too numerous to be satisfactorily disposed of by the present judges consistently with the interests of the other suitors, the remedy surely would be to bring the judicial strength of the Court up to the requirements of the suitors, not to deteriorate the procedure of the Court, at the risk of sacrificing the proper administration of justice to mere despatch of business. If the quantity of current coin in circulation were not sufficient for the legitimate demands of commerce, would you not require the issue of more at the true standard—would you not protest against an attempt to increase the quantity by debasing the quality? *Justice* is surely not less valuable than copper, or silver, or gold. The system, however, has been tried, and it need not be questioned on theory, it may be condemned by experience. The chief evils are—the frightful and incredible quantity of useless and irrelevant evidence which is taken; the absence of all power to control the evidence before the expense of taking it has been incurred; and the little value, not to say worthlessness, of the evidence when the question turns, as in disputed cases it generally does, upon the credit of the witnesses. These evils were clearly and emphatically pointed out by Lord St. Leonards, in the evidence which he gave before the Commissioners. He says, speaking of the mode then suggested and since adopted (App. p. 8);—

> I can conceive nothing more objectionable than that, because the judge would still be acting upon the evidence in effect before him, as it were upon depositions; that is, it would be written evidence, the expense would be enormous of shorthand writers and their notes, and of solicitors' copies of a voluminous mass of evidence for the use of the Court, and for the counsel. I may observe that depositions have at least this merit, they confine the thing to a point, you know what you are examining, and if there is no real use in them, they do not generally run to any great length. The moment you come to oral evidence, and test it by cross-examination, and have counsel, and solicitors, and parties present, the witnesses and the counsel would require some correction, and there is nobody there that I see to correct them; there would be no superintending

person; the examiner would have no authority as regards a case which he has not to decide; which he is not competent to decide; which he has not the materials before him to enable him to decide, even if he were competent and had proper jurisdiction. It is quite clear that there would be no power of stopping almost any line of examination by the counsel. What would be the result? There would be a mass of evidence brought before you on paper that no man living in the course of business could get through; it would oppress you, and ruin the parties.

And again (App. p. 9):—

I should consider the examination before witnesses, and counsel, and parties, without the judge who is to decide the cause, the most objectionable course that could be pursued. I should think that it would lead to scarcely anything but mischief; the extent would be so great, and there would be a want of control over the evidence whilst it was being delivered, and then at last, when you came to the written evidence before the judge, you would be in the same position as at present. You would not have the advantage which the judge at law has, who sees the witnesses, and observes their demeanour—the one is a drama performed before him, and the other is simply reading, and perhaps very badly reading, the play afterwards, without anything to give it life and energy. If you are to introduce evidence vivâ voce with proper effect, it must be before the judge, in my opinion.

Practitioners of every class would, I believe, if appealed to, be able to bear testimony that the evils thus pointed out by Lord St. Leonards have been abundantly realised in practice. The extent and amount of the evil could not be judged of by any returns contained in the Judicial Statistics. These returns are confined to the period between the 22nd of May and the 1st of November, 1858, including, therefore, the whole of the long vacation; and the return from the examiners office is confined to the number of witnesses examined, which is stated to be 113. This would not include examinations by special examiners. The return from the office of the clerks of records and writs, embracing the same period—namely, from the 22nd of May to the 1st of November—gives 83 as the number of depositions of witnesses filed. This would include depositions taken as well before the ordinary as special examiners; but it gives no information, nor affords any clue, as to the length, or relevancy, or expense of the examinations. These must be sought for rather from knowledge of individual cases, best furnished by practitioners. I will give one, which recently came under my own observation in practice:—A testator had died, having by his will disposed of, as his own property, a large trading concern, and considerable real and personal estate. His executors were two personal friends. He gave considerable legacies to two brothers and a brother-in-law, and the residue of his property he gave to his widow and children, six in number. The business had been carried on by him for upwards of thirty years in his own sole name, and the real and personal property not in business were the savings that he had made, and all the investments were in his own sole name. His confidential solicitor and his confidential agent assisting him in his business for several years before his death, never knew or heard, or suspected, that he was not what he appeared to be, the sole and absolute owner of the property bequeathed. He had been assisted in his business by the brothers and brother-in-law, to whom he bequeathed legacies. After his death, these parties set up a claim to participate in the property, on the ground that there was a partnership subsisting between them and the testator throughout the whole period, and that he was a trustee of their proportions. This claim was treated by the testator's family as unfounded. The brothers and brother-in-law filed a bill to enforce it. You will perceive the only question was *partnership or no partnership*. The claim was rested upon transactions which were alleged so have taken place long before the executors, or the solicitor or confidential agent, had any knowledge of the testator or his affairs. The executors, in their answer, speaking from such information as the books and papers of the testator would afford, denied the plaintiffs' claim, and alleged their belief in the testator's title. The executors were very closely interrogated, and the answer was very long, but, in substance, it only raised the issue of *partnership or no partnership*. Evidence was entered into, on both sides, by affidavit; each party, of course, as usual, framing the affidavits as best suited his interest. The witnesses were to be cross-examined, and arrangements were made that the cross-examination should take place in the country; and a special examiner, residing in the country, was appointed for the purpose. Three parties were interested in the cross-examination—the plaintiffs, the executors, and some defendants in the interest of the plaintiffs. Each party attended the examiner by his solicitor, and two of them, upon each occasion, by counsel. The cross-examination lasted nineteen days, during the months of July, August, and October. Of those days, eight were devoted to the cross-examination of the defendants upon their answers, which, except for the purposes of discovery and the production of documents, could be of no value as evidence against the plaintiffs. Of these executors, one was a Dissenting minister, the other the clerk to a board of guardians. The Dissenting minister was under cross-examination and re-examination for seven days, and no small portion of the time spent in his cross-examination was devoted to merely personal matters, such as his education; the time and the manner of his entering upon the ministry; the chapels in which he had officiated; the number of communicants; and so on; the whole examination proceeded, as we may suppose, under respectful protest by the witness, earnest protestation by the opposing counsel, the examiner having no power in the matter beyond taking a note of the objection. The other defendant, the clerk to the Board of Guardians, was only subjected to one whole day's cross-examination, but this was of a similar character; the agent, however, had the benefit of four days' examination. The result, as you may suppose, of the entire cross-examination and re-examination, was the accumulation of an enormous mass of written depositions. These were duly returned to the proper office, copied and re-copied, and formed a portion of the brief of counsel for the hearing. In due time the cause came on for hearing, and, upon the opening statement of the plaintiff's counsel, before this mass of evidence had been fully brought under the notice of the judge, he asked the defendant's counsel whether the only question was not *partnership or no partnership*, and whether it must not be determined by an issue. To these questions, the only proper answer that could be given was given, and an issue was directed. Away went, for every useful purpose, all the evidence which, at such a waste of time and money, had been taken. I by no means believe this to be a case without its equals, if not in degree, certainly in principle. But in this experience we have only realised the very evils which, with intuitive foresight, wonderfully accurate Jeremy Bentham long ago pourtrayed in "The Treatise on Judicial Evidence," written before the oldest of our living law reformers had turned his attention to the subject. Bentham thus sums up and comments on the characteristics of the several modes of taking evidence. He says, pp. 107 & 108 (Dumont's translation):—

Public examination, conducted by the parties, in presence of the Judge.—These are the three cardinal points, by which the value of each mode must be estimated. If any of these be wanting, a proportional quantity of security is wanting.

Unpremeditated answers, questions put separately, questions arising out of the answers, the whole operation conducted under the authority of the judge; these are the secondary securities which belong exclusively to the oral mode. They may exist without publicity, but they will not have the same strength; they will not be applied with the same zeal; there will always be negligence and distraction, the inevitable effects of custom and tedium. In the *monstrous system* in which the duty of examining is separated from that of deciding, in which the superior judge puts the ear into the hand of an inferior one—that is, delegates to him all the most difficult and laborious part of the procedure, reserving for himself only the more agreeable and imposing parts of it, the public attention is directed exclusively to the superior judge. The secondary personage, who works in the cloud, thinks as little of the public as the public does of him. Many efforts are necessary to draw truth out of the well in which she lies concealed; none are required to leave her in it. If he has a fixed salary he will shorten his labour as far as he can do so without compromising himself. If he is paid by the number of hearings, or the quantity of writing, his interest will act the other way, and make him fertile in expedients to prolong causes.

Perhaps, however, it may be thought that one of the main evils to which I have referred—namely, the little value of the evidence to the judge—would be averted by the legislative provision before referred to, giving power to the judge to require the witnesses to be examined orally before himself at the hearing. And so I venture to think it would be, were that power exercised to its full extent, and according to the intention of the Legislature. For several cases have recently occurred, especially in the Appellate Court, in which, the power having been fully exercised, the results have been most satisfactory. The power, however, is generally exercised in a manner which I think very objectionable, and one which fails to accomplish the object intended—namely, to satisfy the judge, by oral examination in public before himself, of the credit which is due to the witness, and the value of his evidence. The course generally taken is, to treat the evidence already given by the witness as repeated by him before the judge, and to allow the opposite party to proceed at once to cross-examine. This course is adopted to save time, and proceeds upon the assumption that what the witness has sworn once he will swear again. The effect of the proceeding is this. The judge has the written evidence before him, and upon that has already formed some opinion, favourable or unfavourable to the witness. If unfavourable, the cross-examination is unnecessary for the interest of the party who alone can cross-examine, and his counsel (acting judiciously) declines to avail himself of the opportunity. If favourable, the witness having already obtained credit with the judge before he has

been subjected to any oral examination, the cross-examiner has the onus thrown upon him of removing from the mind of the judge an impression which has prematurely, at least, if not improperly, been there formed. A shrewd and clever witness soon feels this to be a protection to him, and, under cover of it, he is able to maintain an advantage over his questioner, by treating every question pointed to his motive or interest, or tending to impeach his credit, as a harsh and unjust attack upon him. Cross-examination, to be useful or effective, as to motive or credit, should grow out of the examination in chief. What would be thought if, upon a trial before a jury, the prosecuting counsel were to put in the depositions of the witnesses taken before the committing magistrates in the presence of the accused, and upon the plea of saving time, and the presumption that statements once made upon oath would be repeated, merely offer the production of the witness for cross-examination before the jury? Such a course would not be tolerated. Upon this point is there any distinction between a criminal and civil proceeding? Surely none—in each case the truth of the fact is the *all in all*; whether the fact is to be the foundation of a judgment in a civil proceeding, which may ruin a man in character or fortune, or of a sentence in a criminal proceeding, which may affect his liberty or his life. The only true course, as it seems to me, is to ascertain beforehand, by a proper proceeding, whether the case is one which requires that the fact be ascertained by oral evidence, and if that be determined, then to make it the right of the suitor to have the evidence taken publicly before the tribunal which has to determine upon its effect. I will illustrate the advantage of taking evidence, viva voce, before the judge, by referring to the case of *Martin* v. *Pycroft* (2 De G. M. & G. 785). This was a claim filed by lessee against lessor for specific performance of an agreement to grant a renewed lease. The defence was, first, an objection on the Statute of Frauds; secondly, fraud and misrepresentation. Affidavits at considerable length were filed by the defendants supporting the case of fraud and misrepresentation. These were answered by the plaintiff, and the fraud and misrepresentation positively denied. The claim was first heard before Vice-Chancellor Parker, who dismissed it on the ground that the objection on the Statute of Frauds was fatal, but without costs, considering that the case of fraud and misrepresentation was not made out upon the affidavits. The plaintiff appealed against this judgment. The appeal came on to be heard before the Lords Justices Knight Bruce and Lord Cranworth, in July, 1852, just after the Acts abolishing the masters and improving the jurisdiction in equity, had passed, but before they came into operation. Upon the argument at this hearing their Lordships decided that the objection on the statute was not well founded, thus reversing the Vice-Chancellor's judgment on the point of law. But, upon the question of fraud and misrepresentation, they were of opinion, judging from the affidavits, that the case was so far established against the plaintiff that his appeal must be dismissed, unless he desired an inquiry, under which the witnesses who had made affidavits might be orally examined, either before a master or in the following Michaelmas Term, before their Lordships. The plaintiff asked for the inquiry, and that it might take place before their Lordships. In the following Michaelmas Term, the witnesses and parties were accordingly examined. The examination lasted portions of three days—the 13th, 15th, and 16th November. Judgment was reserved, and, on the 25th of November, was delivered by Lord Cranworth. The result was, that the case of fraud and misrepresentation failed. The defendants and their witnesses were disbelieved, and credit was given to the plaintiff. By this full examination of all the parties and their witnesses, before the Court, right was done; any other course would have been a denial of justice to the plaintiff, whose means would not have enabled him to meet the expense of an inquiry on an issue in an action.

The third matter upon which I propose to observe, is the mode in which the Court deals with the cause at the hearing. If a difficulty of fact present itself at the hearing, the Court, though it has jurisdiction, is disinclined to try it if the trial can be avoided. The result is, the question is sent to be tried at Common Law, either as an action or an issue—very frequently an action. This course inflicts grievous injury on one, sometimes on both suitors. The Court has now jurisdiction to try every case, whether of law or fact. It is forbidden to send cases involving questions of law to the common law courts, but a common law judge (or two if desirable), is summoned to sit with and assist the equity judge in the hearing and decision of the question. This course has been frequently adopted, and has been of great benefit to the suitor. But the trial of questions of fact is unfortunately discretionary, and this discretion has never yet been exercised in favour of the suitor. On the probability of such a discretion being exercised I would not venture to express an opinion, but I may be permitted to refer to the evidence given by Lord Cranworth before the Chancery Commissioners. In answer to a question whether if a suggested proceeding were made dependent upon the discretion of a judge it would not be likely that the discretion would never be exercised, Lord Cranworth says (App. p. 26)—"I am afraid it might. Judges in my experience are a little apt to be too sensitive about being wrong, and trying to escape from positions in which they incur responsibility. I believe that evil is sometimes done by that." In my humble judgment, it is right that when any particular course of procedure has been decided to be proper for any particular case, the suitor should be entitled to require that that course of procedure should be adopted, and that it should not be left to the discretion of the judge. I would instance the case of *Farina* v. *Silverlock*, as an illustration of the injury done to both parties by the Court not disposing of the case itself. That was a bill filed by the owner of a trade mark to restrain the defendant, a printer, from printing and selling labels which were a fraudulent imitation of the plaintiff's labels. The defendant denied the plaintiff's title, and insisted that the act done by him was not an invasion. The interlocutory injunction was granted by V. C. Wood after a full hearing (1 K. & Joh. 517). The defendant did not submit to the injunction being made perpetual, but insisted on the plaintiff bringing the cause to a hearing. This was done; and at the hearing, having the same and some additional evidence adduced by the defendant before him, the Vice-Chancellor made the injunction perpetual by decree. Against this decree the defendant appealed. The appeal was heard before Lord Cranworth, then Lord Chancellor (6 De G. M. & G. 222). Upon that appeal the Lord Chancellor doubted whether upon the evidence it was established, that the defendant had wrongfully invaded the plaintiff's title, and accordingly reversed the decree, thereby dissolving the injunction, but retained the plaintiff's bill for twelve months, with liberty for him to bring such action as he might be advised. The plaintiff, accordingly, brought his action with due diligence; but, owing to circumstances beyond his control, he was not able to try his action within twelve months, and was obliged to make a special application to the Lord Chancellor to extend the period (1 De G. & Jones, 439). This was done, upon the terms of his paying the defendant a large amount of costs, and, being a foreigner, doubling the ordinary security for costs. The trial at length took place. The plaintiff's title, as well as the defendant's wrongful invasion of it, were established, and judgment was obtained in the action, but not until after the expense of an abortive motion for a new trial. The cause was then set down again in Chancery, for hearing, upon the equity reserved, as the phrase is. It came on to be heard again before V. C. Wood, who merely repeated the decree he had made two years before. During this interval the plaintiff was exposed to the loss arising from his title being in dispute, and costs amounting to not less than £1,500 were incurred, to the injury of both plaintiff and defendant; whereas, if the course had been taken which was taken in *Martin* v. *Pycroft*, and the doubt felt by the Lord Chancellor as to the propriety of the original judgment had been solved by a proceeding before the Court itself, the great delay and terrible expense would have been avoided.

I venture to think that the reform of the Court of Chancery will not be complete until its judicial arrangements are made of such a character as will enable it to decide every question, as well of fact as of law, by means of its own proper procedure, and without recourse to any other jurisdiction; and to that end to have the evidence in cases of disputed fact taken in public, before itself, with or without the assistance of a jury, as the circumstances of each particular case may require.

A Paper read by Mr. J. E. Dinn, *Deputy Registrar, Wakefield, on "The Yorkshire Registries of Deeds."*

The existence of registraries of deeds for more than a century and a half in the three several Ridings of Yorkshire, and the fact that 400,000 documents have been accumulated in the one for the West Riding alone, during that period, render two considerations of considerable importance:—How those registries may be made more perfect? and whether a good system of registry might not be established with advantage in the other counties of England and Wales?

It may be useful to notice, in the first place, the apparent defects of the local register Acts.

1. Registry is not compulsory; and therefore the system lacks somewhat of regularity; though it is proper to add that the

Practice is, with but few exceptions, to register a memorial within a brief period of the date of a deed.

2. The registry is not absolute notice in all cases; but only under certain circumstances.

3. The rules laid down by the several local Acts differ, more or less, at the three Yorkshire offices; and these also vary from the provisions of the Middlesex Act.

4. Some of the requirements under the existing Acts are needlessly cumbrous, inconvenient, and costly; which can only be remedied by further legislation.

To take up then these points in order:—

1. Registry, if it should accomplish all the benefits of which it is capable, should be compulsory. In no other way can there be sufficient assurance of clear, distinct, unquestionable notice of every instrument affecting an estate. But with this, no other notice would be necessary apart from the register; and thus,—

2. The second point would be completely gained. These two would tend materially to facilitate the transfer of real estate, and to lessen the costs of conveyancing. There would be one main source for the investigation of the titles, well defined, in place of the more numerous and uncertain, as at present. This is altogether apart from the simplification of the forms of conveyancing, in which much yet remains to be done; but which is beyond the province of the registry.

3. The local Acts should all be made consistent with each other; for the discrepancies not unfrequently cause trouble and cost.

4. Under the fourth head it will be necessary to go further into detail.

At the outset it is worth while noticing the difference between the legislation of the early part of last century, and many of the register bills which during the past century have been laid, from time to time, before Parliament. The old Yorkshire Acts furnish at once the principles and the details of practice. The authors of the more modern bills have been content generally to lay down principles only; leaving to other legal authorities the settling of the rules of practice. On the one hand, this course has evoked some distrust lest the readiest and most economical regulations might not be adopted; a matter of the utmost importance to meet the mass of small transactions. While, on the other hand, the insisting that every single working detail should be embodied in a measure of this character, renders the practice so inelastic, that nothing short of a fresh Act of Parliament will permit the adoption of the most obvious improvements or facilities, which time and circumstances may suggest. The former has proved one of the hindrances to the attainment of a good General Register Act; the latter may have, in some degree, prevented the Yorkshire registries rising to the requirements of the times.

For the improvement of these institutions, then, the following suggestions are offered:—

1. That the Lord Chancellor, with such other judges as may be thought desirable, should have power to make such rules and orders, from time to time, as may be found convenient or necessary for the better management of the register offices, agreeable to the true intention of the Acts relating thereto.

2. That in place of a memorial, the owner should be at liberty to put a conveyance, or other instrument, under which his title is derived, at full length upon the register. This has always been the law in the North Riding; and although the plan may not have been extensively used, yet it is fair to assume that those who have voluntarily availed themselves of it have found it advantageous. Possibly, indeed, it would simplify the course of business if all conveyances were recorded at length; leaving mortgages and other incumbrances to be protected by memorials in their present form, or by caveats.

3. It seems important that it should be practicable to make a search in one office in each county or register-district for every kind of incumbrance. There is, perhaps, no good reason why deeds, wills, letters of administration, affidavits of intestacy, judgments, lites pendentes, Crown debts, decrees in equity, private Acts of Parliament, and every other instrument by which real estate is assured or incumbered, should not all be found at one office; possibly even under one index. The labour and cost of searches would thus be reduced to the lowest practicable amount.

4. The present mode of proving deeds for registry commonly involves unnecessary expense. This might be remedied by the provision, that a commissioner to administer oaths in Chancery should have power in all cases to take affidavits for the purpose of registry. The expense of the journey of a witness from a distant part to Wakefield, the centre of the Riding, simply that he may make oath in person before the registrar, is considerable. To reduce it, it is not unusual, and as a means of dividing it among several transactions, to delay the registry for a time; a course always involving more or less risk. If commissioners in Chancery had the power just suggested, then the postal facilities of modern times would further help to secure a much less costly, and also a more punctual registry of deeds, following immediately on their execution; even if registry should still remain permissive, and not compulsory.

5. It should further be enacted that the best forms of indices should be maintained in the several offices. The Registration and Conveyancing Commissioners, in their report of 1850, very forcibly said,—"If the index do not afford facility of search, and if it do not avoid all probable chance of error, the register will become comparatively useless, and may become mischievous." The question then is, What is the best form of index? A writer, whose volume on the Registry of Judgments has just issued from the press, objects to an index arranged in strictly alphabetical order; because, he says, to construct such an one, the whole of the names must be rearranged at stated periods, involving great labour; and further, he expresses the opinion that a register of incumbrances in this form, in which a single misplaced name might incur the risk of a loss of thousands of pounds, would not be guaranteed by the Legislature, and therefore the professional man would be afraid of placing entire dependence on it. This is an expression of opinion from a gentleman of some experience connected with the Common Pleas Registry. Yet it is scarcely too much to say that those fears and objections are simply a groundless theory; and that they would vanish at once if the requirements of the Common Pleas demanded that it should be practically tested. It does involve considerable labour, unquestionably, to construct an index which shall show under each separate name, for a long series of years, all the transactions in real estate, in chronological order; but the facility afforded is worth all the labour which such a compilation involves. And experience also shows that it is even more easy permanently to misplace a name in an index of less exact form, than in one strictly alphabetical. If misplaced in the draft of the latter, the error will readily be detected in the examination. And, in any other form, the fatigue and monotony of making a long search often cause the overlooking of the particular name for which search is made. In the West Riding Register it has been found, if not absolutely necessary, yet at least very convenient to have a condensed alphabetical index, which now covers the fifty-eight and half years of the present century, and shows 270,000 transactions, requiring not less than a million separate entries, arranged in the strictest order; and though this index lacks parliamentary sanction, which is a very decided disadvantage, and also possesses no parliamentary guarantee; yet the legal profession of the West Riding consult no other; they place entire dependence upon it; and it alone is employed by the registrar in all the searches which he is called upon to make, and for which he issues his certificates of the result. Clearly, therefore, it is practicable to make a facile, yet entirely reliable index; and it would be well that Parliament should require this in any future Register Act, irrespective of the labour, or of any reasonable cost, which may be involved.

6. The difficulty and expense of discharging judgments, and of entering up satisfaction of mortgages, are somewhat vexatious. —That two witnesses should have to make a journey to the register office, simply to swear that the money due upon a judgment has been paid or satisfied; and then to require the signature both of plaintiff and defendant, instead of the plaintiff only; and both to be proved by the oath of the same two witnesses, even though plaintiff and defendant may be living miles apart; must strike any one as at once costly, cumbrous, and oppressive. Nothing would be easier than to afford complete security in all such cases, combined with a much simpler mode of proving the facts necessary for the removal and discharge of this class of incumbrances.

7. Into the question of a registry of title, as distinct from a registry of deeds, it is not desirable here to enter. But it may not be out of place to say that on account of the smallness of very many of the transactions in the West Riding, often affecting little more than a simple cottage residence, and the competition which a crowded legal profession brings in its train, it may be safely asserted that no plans recently proposed touching the transfer of real estate have afforded reasonable promise that the small average cost of conveyances in this Riding would not be increased by their adoption: and the more especially if registry, either of title or of deeds, were central instead of local. Perhaps in no other part of the kingdom are the costs of

conveyancing so small as in the West Riding. It is essential then that registry should be local; and that conveyancing be still left open to fair competition; leaving the duties of the registrar as entirely ministerial as possible. Official investigations of title may nevertheless be very desirable in certain cases; for example, in large transactions; or where a considerable subdivision of property may be contemplated. But in official investigations, doubtless, the strictest formal proofs would be peremptorily required; while, under the existing system, local solicitors transacting business for persons well known to them, and respecting titles with which they are perfectly familiar, may be, and often are, able, in strict justice to their clients, to avoid expenses which a public tribunal must necessarily insist on. Fortunately, in this question, there are no separate class interests involved. Every fresh facility for business, while it brings convenience and cheapness to the public, brings also a corresponding increase of transactions, and so an advantage to the legal profession. The interests of both therefore are concurrent.

8. Loans by bankers on deposit of title deeds are now an important part of their ordinary business. It is essential, not less for the banking interest than for the convenience and advantage of the borrower, that no system of registry should impose difficulties in the way of these business facilities. In a community combining the commercial and the landed interests, such impediments would be seriously detrimental. That the banker should be protected by a caveat on the register, to be entered in a simple and inexpensive mode, is desirable. But beyond that, the existing practice of obtaining temporary loans ought not to be interfered with.

9. In cases of considerable subdivision of property, where covenants to produce title deeds are often required, it would be a great convenience to allow all such deeds to be deposited at, or enrolled in, the Register Office; such deposit or enrolment being held to be a fulfilment of, or substitute for, covenants for production.

Such appear to be among the leading points which a connection of nearly twenty years with the West Riding Registry enable me to to suggest. It would be easy to particularise other details. Enough, however, has been said to show that large facilities, accompanied by a corresponding decrease of cost, might be secured by a revision and amendment of the Yorkshire Register Acts; while the more complete those registries are rendered, the better guide would they afford for the establishment of an uniform system throughout England and Wales. If no general Act be passed during the ensuing session of Parliament, it might be worth while to procure an amended Act for the three Ridings of Yorkshire; for this would not only render those offices more efficient, but by the adoption of the fourth of the foregoing suggestions, at least £5,000 per annum would be saved to the landowners, as connected with their registries of deeds.

JOHN EDWARD DIBB,
Deputy Registrar.

Wakefield, September, 1859.

Obituary.

THE LATE JOHN STOGDON, ESQ.

The calamitous news of the sudden death, by drowning, of Mr. John Stogdon, the eminent solicitor of Exeter, a week or two ago, has filled the city with gloom and sorrow. In the full prime of his life, in high health, and with his professional bark floating on the swelling tide of rapid fortune, John Stogdon was summoned to his great account. The city has lost an eminent citizen, and society an honest lawyer. A clear head, a resolute will, untiring industry, and a prompt settlement of all transactions in which he was engaged, won him the patronage of divers traders in the circle of the reform party, whose business he transacted to their entire satisfaction. The bankruptcy law made of Exeter a little metropolis. Solicitors residing at a distance wanted to be represented before the Court in Exeter. A large agency business sprung up, for which Mr. Stogdon's habits and character marked him out for the lion's share. He toiled early and late. It was astonishing the number of cases that he could master. He could work harder, and work longer, than any other man in Exeter; and as he gave up those precious powers to the benefit of the client who paid for them, he acquired that practice which was the envy of the less fortunate.

How long this career of unmitigated head-work would have lasted, it is idle to speculate. He had a frame that was made for hard work, and he used it for what it was made for. But it was the opinion of several of his professional brethren, and some who were clear of any suspicion of envy, that his pace was too fast for endurance. Indeed, it may be doubted if some sudden attack of illness was not the primary cause of his death. He was a robust man, and an expert swimmer. There was nothing in the distance which he swam, or the state of the sea, to affect a stout swimmer such as he was. But that sudden cry, that floating of the body after death, were not altogether the symptoms which attend on death by drowning. We have heard that he was more communicative, in respect to the state of his affairs, to one most concerned to know them, a few hours before his death, than ever he had been before.

As an attorney the deceased was a man of singular acuteness and untarnished integrity. His life may be properly set forth as an example to the young lawyer, who wishes to thrive by his profession, and gain a character which rises in reputation as long as he lives, and will cause his memory to be cherished by all who trusted their interests to his keeping. One great means of his success was due to his frugality. He was never poor. His start in life was made without ostentation. He did not, as too many do, affect an air of prosperity which he did not enjoy. But living within his means he could always afford to be honest, and the experience which all had of his honesty was the first element of his great and augmenting success. Those who would rival his success must repeat his life. Thrift, honesty, and hard work, were the main elements of his success. He had no pretensions to oratory. He got a clear view of his case, and he could impart it as clearly. We have spoken of his thrift; we must also add, he had a very charitable heart, and gave freely of his means.—*Western Times.*

Law Students' Journal.

LAW LECTURES AT THE INCORPORATED LAW SOCIETY.

Mr. FREDERICK JOHN TURNER, on Conveyanciug, Friday, November 4th.

FRENCH CRIMINAL STATISTICS.—The *Moniteur* publishes a continuation of the report of the minister of justice to the emperor on the statistics of crime in France in 1857. The following are those relative to misdemeanours:—"The number of cases submitted to the Correctional Tribunals in 1857 was 184,769; in 1856 it was 181,610; 1855, 189,515; 1854, 206,794; and in 1853, 208,699. The number of persons accused in these cases was, in 1857, 229,467; 1856, 225,561; 1855, 234,363; 1854, 256,670; and in 1853, 261,147. Of the 229,467 persons accused in 1857, 3,755 were for what the French law calls rupture de ban (that is, liberated offenders who quit without permission the places in which they are ordered to reside), 6,639 vagabondage, 4,826 mendicity, 3,401 rioting, 7,835 violence and outrages to public functionaries, 235 offences against religion and outrages on ministers of public worship, 16,348 cutting and wounding, 3,585 offences against morality, 4,581 defamation, insults, and calumnious denunciation 45,610 simple robbery, 789 fraudulent bankruptcy, 3,363, swindling, 3,221 embezzlement, 9,271 selling adulterated goods and using false weights and measures, 1,592 devastation and destruction of crops, trees, enclosures, and animals, 582 political offences and electoral contraventions, 201 unauthorised hawking or distribution of printed papers, 1,588 opening public-houses and cafés without authorisation, 533 illegal possession of arms and ammunition, 27,671 poaching and sporting without license, 1,130 rural offences and marauding, 2,073 violation of the laws on customs, indirect taxes, and octrois, 5,168 violation of the fishery laws, 3,019 usage of postage stamps that have already served, 103 violation of the post-office regulations, 60,754 offences against the forest laws, 1,714 offences against the laws relative to carriers, 9,880 other offences. Of the 229,467 persons tried in 1857, 154,077 were on Government prosecutions, 65,442 on the application of public administrations, especially that of forests, and 9,948 at that of private persons:—11,063 were condemned to more than a year's imprisonment, 76,202 to less than a year, 120,527 to fine only; 2,066, being children under sixteen, were sent to Houses of Correction, 1,529 ditto were given up to their parents, and 18,080 were acquitted. The proportion of females in the total of the accused was about one-fifth; in 1856 it was a trifle larger. The number of acquittals in 1857 was in the proportion of 79 in 1,000; in 1856 it was 90. The acquittals by the tribunals were proportionately much less than those by juries, the latter being nearly one-fourth of the total accused. The report then

institutes a comparison between offences in France and in England. In France, as has been seen, 229,467 persons were tried by the Tribunal of Correctional Police for various offences, and in addition 536,134 other persons were cited before the tribunals of simple police for petty offences, making a grand total of 765,001. In England, the total number of persons who were tried by justices of peace and police magistrates was 369,233. These two totals, though so widely different, are in proportion to the respective populations of the two countries. It is worthy of remark that whilst in France 60,754 persons were accused of offences against the forest laws, in England there was not one; and that whilst in England 75,859 persons were accused of drunkenness, in France there was not one, simple drunkenness not being an offence in this latter country. In England 38,560 persons were tried by justices of peace and police magistrates for theft, and 11,566 by the courts of law for the same offence, being a total of 50,126; this was more by 4,516 than the number of persons accused of theft in France. The proportion of women accused of offences was pretty nearly the same in the two countries. The number of persons accused of vagabondage and mendicity was rather greater in England. The report then says that out of the total number of accused in 1857 in France, nearly 46 per cent. had previously been condemned for crimes or offences, which was a greater proportion than in preceding years. As mentioned above, the number of persons accused of petty police offences was 536,134, and of these 32,739 were acquitted, 471,571 were fined, 30,742 were condemned to from one to three days' imprisonment; and as regarded the remainder, the tribunals declared they had no jurisdiction over them. With regard to persons who underwent imprisonment before being brought to trial for crimes and offences, it appears that the total in 1857 was only 66,626; whereas in 1856 it was 67,711; and in 1855, 71,536, and exceeded 80,000 in preceding years. The time for which the 66,626 persons were so detained has also declined—the proportion per 1,000 being 451 from one day to a fortnight; 357 from a fortnight to a month; 143 from one month to two; 83 from two months to three; 7 from three months to four; 2 from four months to five; 1 from five months to six; 1 of more than six months. The report declares that, regard being had to the population of the two countries, the number of persons subjected to preventive imprisonment is about the same in England as in France. The report states that the number of appeals to the Imperial Courts against judgments of the tribunals was, in 1857, 9,547, and in 1856, 9,878; in preceding years it was much larger, and the number to the Court of Cassation in cases of crime or offences was 1,334. It also states that the number of alleged accidental deaths in 1857, into which magistrates had to inquire, was 10,045—1,887 of them being of females; and that the number of suicides was 3,967—a smaller number than in preceding years—that of females forming, as usual, about one-fourth of the whole. In England the total number of suicides in 1857 was only 1,349—a fact which will astonish that numerous class of French people who think the English more addicted to suicide than any other nation under the sun." The report concludes by giving some details respecting the expenses of the administration of criminal justice, from which it appears that the Government received in fines last year 3,619,735f., and in costs from private persons 4,124,966f.

Court Papers.

Court of Chancery.—SITTINGS, MICHAELMAS TERM, 1859.

LORD CHANCELLOR.

At Westminster.

Wednesd. Nov. 2 — Appeal Motions, Petitions, and Appeals.

At Lincoln's Inn.

Thursday 3
Friday 4
Saturday 5 — Appeals.
Monday 7
Tuesday 8
Wednesday 9..Appeal Motions and Appeals.
Thursday 10
Friday 11
Saturday 12 — Appeals.
Monday 14
Tuesday 15
Wednesday 16..Appeal Motions and Appeals.
Thursday 17
Friday 18
Saturday 19 — Appeals.
Monday 21
Tuesday 22
Wednesday 23..Petitions and Appeals.
Thursday 24..Appeals.
Friday 25..Appeal Motions and Appeals.

MASTER OF THE ROLLS.

At Westminster.

Wednesd. Nov. 2..Motions.

At Chancery Lane.

Thursday 3..General Petition Day.
Friday 4
Saturday 5
Monday 7 — General Paper.
Tuesday 8
Wednesday 9..Motions.
Thursday 10
Friday 11
Saturday 12 — General Paper.
Monday 14
Tuesday 15
Wednesday 16..Motions.
Thursday 17
Friday 18
Saturday 19 — General Paper.
Monday 21
Tuesday 22
Wednesday 23..General Petition Day.
Thursday 24..Motions.
Friday 25..

NOTICE.—Short Causes, Short Claims, Consent Causes, Unopposed Petitions, and Claims, *every Saturday*. The Unopposed Petitions will be taken first, and must be presented and Copies left with the Secretary, on or before the *Thursday* preceding the *Saturday* on which it is intended they should be heard.

THE LORDS JUSTICES.

At Westminster.

Wednesd. Nov. 2..Appeal Motions.

At Lincoln's Inn.

Thursday 3..Appeal Motions and Appeals.
Friday 4 — Petitions in Lunacy and Bankruptcy, Appeal Petitions, and Appeals.
Saturday 5
Monday 7 — Appeals.
Tuesday 8
Wednesday 9..Appeal Motions and Appeals.
Thursday 10..Appeals.
Friday 11 — Petitions in Lunacy and Bankruptcy, Appeal Petitions, and Appeals.
Saturday 12
Monday 14 — Appeals.
Tuesday 15
Wednesday 16..Appeal Motions and Appeals.
Thursday 17..Appeals,
Friday 18 — Petitions in Lunacy and Bankruptcy, Appeal Petitions, and Appeals.
Saturday 19
Monday 21
Tuesday 22 — Appeals.
Wednesday 23
Thursday 24
Friday 25..Appeal Motions and Appeals.

NOTICE.—The days (if any) on which the LORDS JUSTICES shall be engaged in the full Court, are excepted.

V. C. SIR R. T. KINDERSLEY.

At Westminster.

Wednesd. Nov. 2..Motions.

At Lincoln's Inn.

Thursday 3..General Paper.
Friday 4..Petitions.
Saturday 5 — Short Causes, Short Claims, Adjourned Summonses, and General Paper.
Monday 7 — General Paper.
Tuesday 8
Wednesday 9..Motions and General Paper.
Thursday 10..General Paper.
Friday 11..Petitions.
Saturday 12 — Short Causes, Short Claims, Adjourned Summonses, and General Paper.
Monday 14 — General Paper.
Tuesday 15
Wednesday 16..Motions and General Paper.
Thursday 17..General Paper.
Friday 18..Petitions.
Saturday 19 — Short Causes, Short Claims, Adjourned Summonses, and General Paper.
Monday 21
Tuesday 22 — General Paper.
Wednesday 23
Thursday 24
Friday 25..Motions and General Paper.

V. C. SIR JOHN STUART.

At Westminster.

Wednesd. Nov. 2..Motions.

At Lincoln's Inn.

Thursday 3..General Paper.
Friday 4..Petitions.
Saturday 5 — Short Causes, Short Claims, and General Paper.
Monday 7 — General Paper.
Tuesday 8
Wednesday 9..Motions and General Paper.
Thursday 10..General Paper.
Friday 11..Petitions and General Paper.
Saturday 12 — Short Causes, Short Claims, and General Paper.
Monday 14 — General Paper.
Tuesday 15
Wednesday 16..Motions and General Paper.
Thursday 17..General Paper.
Friday 18..Petitions and General Paper.
Saturday 19 — Short Causes, Short Claims, and General Paper.
Monday 21 — General Paper.
Tuesday 22
Wednesday 23
Thursday 24
Friday 25..Motions.

V. C. SIR W. PAGE WOOD.

At Westminster.

Wednesd. Nov. 2..Motions.

At Lincoln's Inn.

Thursday 3 — General Paper.
Friday 4
Saturday 5 — Petitns., Short Causes, Claims, and General Paper.
Monday 7 — General Paper.
Tuesday 8
Wednesday 9..Motions and General Paper.
Thursday 10 — General Paper.
Friday 11
Saturday 12 — Petitns., Short Causes, Claims, and General Paper.
Monday 14 — General Paper.
Tuesday 15
Wednesday 16..Motions and General Paper.
Thursday 17 — General Paper.
Friday 18
Saturday 19 — Petitions, Short Causes, Claims, and General Paper.
Monday 21 — General Paper.
Tuesday 22
Wednesday 23
Thursday 24
Friday 25..Motions and General Paper.

Queen's Bench.

ENLARGED RULES.—Michaelmas Term, 1859.

To the First Day of Term.

In the matter of John Stancliffe, Joseph Stancliffe, P. Chadwick, and Charles Wheatley.
In the matter of B. Marsack and William Webber.
Mobbs v. Price.
In the matter of John Cooke, Gent., one, &c.
The Queen v. H. C. Heard.
The Queen v. Rev. W. Mivehouse and Another, two Justices.

SPECIAL PAPER.

Dem.	Childers v. Pallister and Another. The Special Case in Childers v. Wooler to come on for argument with this Demurrer.
Award.	Perrins v. The Marine and General Travellers' Insurance Company.
Sp. Case.	Leach v. Treadway.
"	Holme v. The Lincolnshire Patent Twitch Paper and Millwood Company.
"	Greenough v. M'Clelland.
Dem.	Greenough v. M'Clelland.
Co. Court App.	Williams v. Howells.
Dem.	The Mayor, &c., of Stockport v. Cheetham.
"	The Mayor, &c., of Stockport v. Davenport.
"	Coles and Others v. Plowes.
Sp. Case.	Marshall v. Midland Railway Company.
Sp. Ca. on award.	Williams v. Lake.
Co. Court App.	Foulger v. Taylor, jun.
Sp. Case.	Childers v. Wooler; sued with another. To come on for argument with Demurrer in Childers v. Pallister and Another.

NEW TRIAL PAPER.—Michaelmas Term, 1858.

Cornwall.	Lyle v. Richards and Others. Stands over till decision of the Court of Error in Reynolds v. Buckley.

Trinity Term, 1859.

Middlesex.	Colston v. Slater.

CROWN PAPER.—Michaelmas Term, 1859.

Liverpool.	A. H. Wickham, Plaintiff in error, v. The Queen, Defendant in error.
Carnarvonshire.	The Queen v. The Inhabitants of Llanllechid.
W. R. Yorksh.	The Queen v. The Inhabitants of Brightside Bierlow.
Middlesex.	The Queen v. The Inhabitants of Selborne, Hants.
Herefordshire.	The Queen on the Prosecution of Churchwardens, &c., of Thornbury, Respondents; William Mytton, Appellant.
Liverpool.	J. Healing, Appellant; Thomas Cathrell, Respondent.
Leicestershire.	James Clark, Appellant; Samuel Hague, Respondent.
Monmouthshire.	John Smith, Appellant; Matthew Fothergill, Respondent.
W. R. Yorksh.	William Sutcliffe, Appellant; The Surveyors of the Highways of Sowerby, Respondents.
Essex.	William Eade, Appellant; John Eteen, Respondents.
Metropolitan Police District.	The Overseers of St. Botolph Without Aldgate, Appellants; The Board of Works for the Whitechapel District, Respondents.
Somerset.	Thomas Hackell, Appellant; William West, Respondent.
Berkshire.	Thomas Walker, Appellant; Great Western Railway Company, Respondent.
Totnes.	George Cole, Appellant; William Finch, Respondent.
Essex.	Francis Cates, Appellant; Charles Scarborough, Respondent.
Devon.	Henry Chilcote, Appellant; Charles Hill, Respondent.
Bradford.	Booth Illingworth, Appellant; John James Montgomery, Respondent.
Wells.	William Oram, Appellant; James Gait, Respondent.
Staffordshire.	William L. Underhill and Another, Appellants; Henry G. Longridge, Respondent.
Flintshire.	John Rider, Appellant; William Wood and Others, Respondents.
"	Joseph Woodhouse, Appellant; William Wood and Others, Respondents.
Derbyshire.	J. Overton, Appellant; John Hunter, Respondent.
	The Manchester, Sheffield, and Lincolnshire Railway Company, Appellants; William Wood, Respondent.

Common Pleas.

REMANET PAPER.—Michaelmas Term, 1859.

ENLARGED RULES.

To the First Day of Term.

Lee and Another v. The South Eastern Railway Company.

To the Third Day of Term.

Nicholson and Another v. The Great Western Railway Company.

Until Application to Court of Chancery is disposed of.

Nutt v. The Midland Railway Company.

To Fourth Day of Term next after Trial.

Slipper v. Back.
Erwin v. Back.

Until Proceeding in Chancery are disposed of.

Walter and Ux. v. Whitaker.

Until Judgment given in House of Lords.

Broadbent v. Imperial Gas Light and Coke Company.

DEMURRER PAPER.

Wednesday, Nov. 2.....
Thursday, " 3.....
Friday, " 4.....
Saturday, " 5..... } Motions in arrest of Judgment.

Monday, November 7.

Special Arguments.

Ap. from Justices.	Edleston, Appellant; Francis, Respondent.
Dem.	Wolverhampton New Water-works Company v. Halpenake. To be argued with Special Case when signed.
Case by Order.	Willis and Others v. Palmer and Others.
Dem.	Hatton v. Kean.
"	Barber v. Lesiter.
Ap. from Justices.	Ex parte Joseph Sewell.
Dem.	Stewart v. Gromet.
"	Green v. London General Omnibus Company Limited.
"	Dunnicliff and Another v. Mallet.
Case by Order.	Jordan v. Adams.
Dem.	Butler v. Watney.
"	Howard and Another v. Lowman.
"	Dunnicliff and Another v. Birkin.
"	Behn and Another v. Kemble and Others.
Sp. Case.	Notman and Another v. The Anchor Assurance Company.
Co. Ct. Ap.	Robinson and Another, Executors, Appellants; Lord Vernon, Respondent.
Ap. from Justices.	Padwick, Appellant; King, Respondent.
Sp. Case.	Howkins v. Bennet.
Ap. from Justices.	Rook, Appellant; Mayor, &c., of Liverpool, Respondents.
"	Motteram, Appellant; The Eastern Counties Railway Company, Respondents.

Friday, November 11.

Special Arguments.

Dem.	Marshall v. The Bishop of Exeter.
Case Nisi Prius.	Hutchinson and Others v. Copestake and Another.
"	Doe dem Gutteridge v. Sowerby.
Dem.	Honnsell (Infant) v. Smyth, Bart., and Others.

Monday, November 14.

Special Arguments.

Dem.	Gardner v. Chapman.
"	Smith v. Meadows.
Co. Court Ap.	Fidgett, Appellant; Wiley, Respondent.
Case by Order.	Castrique v. Imrie and Another.
Ap. from Justices.	Morden, Appellant; Porter, Respondent.

Friday, November 18.

Special Arguments.

NEW TRIALS.—Michaelmas Term, 1858.

London.	Cahill and Another v. Dawson.

Easter Term, 1859.

Middlesex.	Whitmarsh v. Phillips.
London.	Hemming v. Hale.
Sussex.	Stevens v. Gourley.

Trinity Term, 1859.

Middlesex.	Pollon and Ux. v. Brewer.
"	Levy v. Hale and Another.
"	Ripley v. Lordan.
London.	Dingle v. Hare.
"	Bushell v. Salisbury.
"	Godfrey v. O'Neill.
"	Marsh v. Howell.
"	Mumford and Another v. Gething.
"	Bowes and Another v. Gladwell.
"	Reynolds v. Miles.

Cur. ad. vult.

Walmsley and Another v. Milner.

Exchequer of Pleas.

SITTINGS IN BANCO.—Michaelmas Term, 1859.

Wednesday,	Nov. 2	.. Motions and Peremptory Paper.
Thursday,	" 3	.. Errors, Peremptory Paper, and Motions.
Monday,	" 7	.. Special Paper.
Wednesday,	" 9	.. Special Paper. Lord Mayor sworn.
Saturday,	" 12	.. Criminal Appeals. Sheriffs nominated.
Monday,	" 14	.. Special Paper.
Wednesday,	" 16	.. Special Paper.
Monday,	" 21	.. Special Paper.

PEREMPTORY PAPER,

To be called on the first day of the Term after the Motions, and to be proceeded with the next day if necessary before the Motions.

Taylor v. Burgess.
Cocks and Others v. Jeffries.

ERRORS AND APPEALS.

For Judgment.

Error.	Gilbertson v. Richards and Others.

For Argument.

Error.	Cammell and Others v. Sewell and Others.
"	Pennington and Others v. Cardale and Another.
"	Ince v. Parker.
"	Great Western Railway Company v. Fletcher and Another.
"	Vaughan v. The Taff Vale Railway Company.
"	Collins v. Brook.
Error.	Metcalf and Others v. Hetherington, Clark, &c.
Appeal.	Withers v. Parker and Another, Executrix and Executor, &c.
Error.	Darell, Bart., Administrator, &c., v. Sturgis, Provisional Assignee, &c.

SPECIAL PAPER.

For Judgment.

Dem.	Dick v. Tolhausen.
"	Pooley v. Shield.

FOR ARGUMENT.

Dem.	Brewer v. Dimmack and Another. Part heard—standing for arrangement.
Dem.	London and North Western Railway Company v. The Great Western Railway Company. To stand over for arrangement.
"	Kidd v. Fowler and Others. To stand over for Special Case to be agreed upon.
"	Earl of Lonsdale v. Fell. To stand over till issues in Fact tried.

NEW CASES.

Appeal.	Brown v. The Sunderland Dock Company.
Dem.	Lloyd v. Bevan.
Special Case.	Barker v. Allan and Others.
Dem.	Hoare and Others v. Rennie and Another.
"	White v. Lecson.
"	Webster v. Newsome.
Special Case.	Hipkins v. The Birmingham and Staffordshire Gas Light Company.
"	Adkins v. Farrington.
Co. Court App.	Strange v. Sharland.
Dem.	Peshallows and Others v. The Mersey Docks and Harbour Board.

NEW TRIAL PAPER.

FOR ARGUMENT.

London.	Dovill v. Elmn and Another. To stand over until Appeal between the same parties disposed of.
	Wyborn v. The Great Northern Railway Company. To stand over till after New Trial had in Withers v. Great Northern Railway Company.
Guildford.	Hills v. The London Gas Light Company.

Court of Probate,

AND

Court for Divorce and Matrimonial Causes.

SITTINGS IN MICHAELMAS TERM, 1859.

Thursday	Nov. 3	Monday	Nov. 7
Friday	" 4	Tuesday	" 8
Saturday	" 5	Thursday	" 10

TRIALS BY JURY.

Causes to be heard before the Court and a jury will be taken on and after Friday, November 11.

Motions will be taken on Thursday, November 3; Thursday, November 10; Wednesday, November 16; and on each succeeding Wednesday until further notice.

Papers for motions are to be left with the Clerk of the Papers, before 2 o'clock p.m. on the fourth day before the motions are to be heard, exclusive of Sundays.

The Court will sit at Westminster at 11 o'clock, except on Thursday, November 3; and on other days appointed for motions, when the Court will sit at 12 o'clock.

The Judge will sit in Chambers at Westminster, on Thursday, November 3; Thursday, November 10; Wednesday, November 16; and on each succeeding Wednesday until further notice, at 11 o'clock.

Notice will be given of the sittings of the Full Court for Divorce and Matrimonial Causes as soon as the same are appointed.

Births, Marriages, and Deaths.

BIRTHS.

ANGELL—On Oct. 22, at No. 16, Warrington-terrace, Malda-hill West, the wife of T. J. Angell, Esq., of a son.

BEACH—On Oct. 21, at Tapley-park, North Devon, the wife of W. W. Beach, Esq., M.P., of a son and heir.

EVES—On Oct. 22, the wife of Mr. George Eaves, Surveyor, Uxbridge, of a son.

FARRER—On Oct. 25, at 21, Chester-terrace, Regent's-park, the wife of T. H. Farrer, Esq., of a son.

GOVER—On Oct. 21, at Sutton, Surrey, the wife of James Dinceley Gover, Esq., of 33, Old Jewry, London, Solicitor, of a daughter.

INDERWICK—On Oct. 20, at 10, Thurloe-square, Brompton, the wife of F. A. Inderwick, Esq., of the Inner Temple, Barrister-at-Law, of a son.

KEKEWICH—On Oct. 23, at 1, Ulster-terrace, Regent's-park, the wife of Arthur Kekewich, Esq., Barrister-at-law, of a son.

LAING—On Oct. 24, at 2, Park-square West, the wife of Samuel Laing, Esq., M.P., of a son.

LAMBE—On Oct. 19, the wife of John Lambe, Esq., of the city of Hereford, Solicitor, of twin sons, the younger of whom survived its birth but twelve hours.

MARSHALL—On Oct. 24, at 8, King's-road, Bedford-row, the wife of John T. Marshall, Esq., of a daughter, stillborn.

NEVILLE—On Oct. 24, at Esher, Surrey, the wife of William Ralph Neville, Esq., Barrister-at-law, of a daughter, stillborn.

PATTISON—On Oct. 22, at 18, Boundary-road, St. John's-wood, the wife of Henry John Pattison, Esq., Solicitor, of a daughter.

RUSSELL—On Oct. 25, at 14, Douro-place, Kensington, the wife of Francis Russell, Esq., Barrister, of a son.

WISE—On July 30, at Enmore Lodge, Newton, Sydney, N.S.W., the wife of Edward Wise, Esq., Barrister-at-law, of a daughter.

MARRIAGES.

BARNES—THOMAS—On Oct. 25, at the parish church, Oswestry, by the Rev. George Cuthbert, Arthur Barnes, Esq., Solicitor, Lichfield, to Annie, second daughter of Mr. Richard Thomas, Cross-street, Oswestry.

CALVERT—DAVIS—On May 17, at Christ Church, Canterbury, New Zealand, Christopher Alderson Calvert, Esq., Barrister-at-Law, of the Middle Temple, and Registrar of the Supreme Court, to Mary Ann, daughter of Roland R. T. Davis, Esq., Member of the Provincial Council.

CONNELL—RAIKES—On Sept. 5, at Mussoorie Church, East Indies, by the Rev. R. Maddock, Adolphus Frederick Connell, Captain Royal Artillery, to Margaret Julia, widow of G. O. Raikes, Esq., Judge at Bareilly, and elder daughter of Colonel Craigie Halkett, C.B., of Ravelrigg, N.B.

HAMILTON—COOTE—On Oct. 20, at the Pro-Cathedral, St. Mary's, Moorfields, by the Rev. Emeric Podolski, O.S.F., Robert Way Hamilton, Esq., of Coleman-street, London, to Teresa Louise, widow of the late Charles John Coote, Esq., of the Rule Office, Common Pleas.

MITCHELL—BARRON—On Oct. 12, at Edinburgh, David Mitchell, Esq., Writer, Dundee, to Elizabeth Barron, youngest daughter of the deceased Alexander Barron, Esq., Forres.

ROOSE—EVANS—On Oct. 18, at the parish church, West Derby, by the Rev. Edward Roberts, M.A., incumbent of Seacombe, Henry Roose, Esq., to Ellen Eliza, second daughter of David Evans, Esq., Solicitor, both of this town.

TREVOR—EVANS—On Oct. 18, at St. Luke's Church, Cheltenham, by the Rev. W. Warren, uncle of the bride, assisted by the Rev. E. Evans, Captain J. W. Trevor, of the 22nd Regiment, A.D.C., second son of the Rev. J. W. Trevor, Chancellor of the diocese of Bangor, to Henrietta Dulcibella, eldest daughter of the late Charles Henry Evans, Esq., of Henblas, Anglesea.

DEATHS.

BLANCHARD—On Oct. 18, at Southampton, Richard Edward Blanchard, Esq., of the Customs at that port, eldest son of Richard Blanchard, Esq., Solicitor, of Southampton, aged 35.

BRANSCOMB—On Oct. 24, at her residence, No. 138, Blackfriars-road, London, Jane, the beloved wife of Walter Branscomb, Esq., Solicitor.

CATHCART—On Oct. 17, at Dock-street, Newport, John Cathcart, Esq., Clerk to the County Court, aged 34.

CHAMBERS—On Aug. 18, at Richmond, near Melbourne, Victoria, Mary Theresa, relict of the late David Chambers, Esq., Solicitor, of Sydney, New South Wales, aged 49,

COOKE—On Oct. 20, of consumption, at Delce, near Rochester, Kent, John Henry Cooke, Esq., Barrister-at-law.

COOPER—On Oct. 23, at Wincanton, after a few months illness, Catherine Elizabeth, the wife of Edward Yalden Cooper, Esq., solicitor, of that place.

DICKSON—On Oct. 9, at Corstorphine, Plaines Wilhems, Mauritius, Ann Elizabeth, the infant daughter of W. G. Dickson, Esq., Procureur and Advocate-General.

HENRY—On Oct. 9, suddenly, at Dudley, while on a visit to Sam. Blackwell, Esq., Thomas Hetherington Henry, Esq., F.R.S., F.C.S., &c., of Lincoln's-inn-fields, second son of the late Hon. Jabez Henry, first English President of Demerara, Supreme Judge of the Ionian Islands, &c.

LAMPARD—On Oct. 20, at his residence in Southgate-street, Winchester, James Lampard, Esq., Solicitor, aged 82.

MULLINGS—Recently, while travelling on the Continent, suddenly, J. Mullings, Esq., late M.P. for Cirencester.

SAUNDERS—On Oct. 15, at Fulham, aged 80 years, Thos. Hosier Saunders, Esq., formerly of Bradford, Wilts, for many years one of her Majesty's Justices of the Peace for that county.

VENOUR—On Oct. 23, aged 46, at Cadogan House, near Shrewsbury, Stephen Charles Venour, Esq., late of 5, Gray's-inn-square, and 11, Cambridge-terrace, Hyde-park.

Unclaimed Stock in the Bank of England.

The Amount of Stock heretofore standing in the following Names will be transferred to the Parties claiming the same, unless other Claimants appear within Three Months:—

COWEN, ROBERT, and GEORGE COWEN, Esqrs., both of Carlisle, £119 : 1 : 2 Consols.—Claimed by ROBERT COWEN, the survivor.

CURZON, Right Hon. RICHARD WILLIAM PENN, EARL HOWE, Right Hon. GEORGE AUGUSTUS FREDERICK LOUIS, VISCOUNT CURZON, and Rev. EDWARD BICKERSTETH, £100 Consols.—Claimed by Earl HOWE, Viscount CURZON, and Rev. EDWARD BICKERSTETH.

DOVEY, JOSEPH, Silversmith, 17, Elizabeth-terrace, Islington, £50 New 3 per Cents.—Claimed by JOSEPH DOVEY.

FAITHORN, ELIZABETH, wife of Stephen Faithorn, Gent., of Queen-street, Chelsea, £100 New 3 per Cents.—Claimed by ELIZABETH FAITHORN.

FORSTER, EDWARD, Banker, Mansion-house-street, and FRANCES ADAMS, Spinster, of Halstead, Essex, £75 : 11 : 5 Consols.—Claimed by FRANCES ADAMS, the survivor.

STOREB, JOHN, Gent., of the Excise Office, and JAMES SANDLE (formerly a minor), Farmer, of Assington, Suffolk, £9 : 14 : 0 per annum Long Annuities.—Claimed by RACHEL SANDLE, Widow, administratrix of James Sandle.

WATKINS, JOHN ROGERS, Gent., East-lane, Bermondsey, One Dividend on £1,600 Reduced.—Claimed by JOHN ROGERS WATKINS.

Heirs at Law and Next of Kin.

Advertised for in the London Gazette and elsewhere.

COMPTON, WILLIAM, living at Birmingham about 1785, and in London 1792. Next of kin to apply by letter to D. S. Proctor, 34, Great Queen-street, Lincoln's-inn-fields.

FOSTER, JOHN, who died Aug. 25, 1854, on board the Hospital Ship, at Greenwich.—Heirs to apply to the British Vice-Consul at Santander, Spain.

JACKSON, WILLIAM, son of William and Martha Jackson, who was baptised Oct. 11, 1747, at St. Mary Redcleft parish, Bristol.—Next of kin to apply by letter to D. S. Proctor, 34, Great Queen-street, Lincoln's-inn-fields.

English Funds.

English Funds.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Bank Stock	224	225 6	226 5	226 5	225 7	225
3 per Cent. Red. Ann.	94⅛ ⅛	94⅛ ⅛	94⅛ ⅛	94⅛ ⅛	94⅛	93⅞ ⅛
3 per Cent. Cons. Ann.	95⅛ ⅛	95⅛	95 ⅛	95⅛ ⅛	95 ⅜	94⅞ ⅛
New 3 per Cent. Ann.	94⅛ ⅝	94⅛ ⅛	94 ⅛ ⅛	94⅛ ⅛	94 ⅛ ⅛	94⅛ ⅛
New 3½ per Cent. Ann.	..	..	..	..	..	..
New 3¼ per Cent. Ann.	..	..	..	..	79½	..
5 per Cent. Ann.	..	..	..	..	..	..
Consols for account	96 ⅝	96⅛ ⅛	96⅛ ⅛	96 ⅝	96 ⅞ ⅛	96⅛ ⅛
Long Ann. (exp. Jan. 5, 1860)	..	..	..	..	..	..
Do. 30 years (exp. Jan. 5, 1880)	..	..	..	..	..	..
Do. 30 years (exp. Apr. 5, 1885)	..	..	..	..	..	..
India Debentures, 1858	..	..	96⅜	96⅜	96⅜ ⅜	96⅜
Ditto 1859	96⅛ ⅛	96⅜	96⅜ ⅛	96⅛	96⅜ ⅛	96⅛
India Stock	..	221 ¼	223 21	..	..	222½ 22
India Loan Scrip	102⅝ ⅛	102⅝ ⅛	103 ⅛	103⅛ ⅛	103⅛ 2⅞	103 ..
India 5 per Cent. 1859	103⅛ 3	102⅝ 3½	103⅛ 2⅝	103 ⅛	103⅛ 2⅝	103⅛ 2⅝
India Bonds (£1,000)	4s 2p	..	1s 4s p	4s 1s p	1s 3s p	4s p
Do. (under £1000)	5s 2p	..	..	..	4s p	..
Exch. Bills (£1000) Mar.	28s p	28s p	28s 27s p	29s p	30s 27s p	27s 31s p
Ditto June	..	..	..	..	..	..
Exch. Bills (£500) Mar.	30s 28s p	28s 31s p	30s p	..	30s 27s p	..
Ditto June	..	..	..	..	..	..
Exch. Bills (Small) Mar.	..	29s 28s p	30s p	27s 31s p	30s 27s p	..
Ditto June	..	..	..	..	..	..
Do. (Advertised)	..	..	..	..	..	..
Exch. Bonds, 1858, 3½ per Cent.	..	..	..	..	..	..

Railway Stock.

Railways.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Birk. Lan. & Ch. Junc.	..	..	..	77	..	..
Bristol and Exeter	..	..	99	..	99½ 100	..
Caledonian	91⅛ ⅛	90⅞ ⅜	90 1⅛	92⅛ ⅜	91⅛ 2	91⅛
Chester and Holyhead	..	..	..	..	..	..
East Anglian	14	..	14⅜	..	..	..
Eastern Counties	56⅛	53⅛ 6	55⅛	56 5⅛	55⅛ ⅛	55⅛ ⅛
Eastern Union A. Stock	..	37⅛	..	..	..	..
Ditto B. Stock	..	..	..	..	..	..
East Lancashire	..	..	..	..	..	..
Edinburgh and Glasgow	..	..	..	79	..	..
Edin. Perth, and Dundee	28	..	..	..	..	..
Glasgow & South-Westn.	..	..	..	..	..	..
Great Northern	103	103⅛ 2⅜	..	102⅜ ⅛	..	102⅛
Ditto A. Stock	89⅛ 8⅛	89	..	89⅛	88⅛	89
Ditto B. Stock	..	..	..	132	133½	..
Gt. South & West. (Ire.)	..	..	..	..	..	..
Great Western	64⅛	64⅛ ⅛	64⅛	64⅛ ⅛	64⅛ ⅛	64⅛ ⅛
Do. Stour Vly. G. Stk.	..	..	..	..	..	..
Lancashire & Yorkshire	97⅛	96⅞ ⅝	96⅛	97 6⅜	96⅞	96⅛ ⅛
Lon. Brighton & S. Coast	113⅛	113⅛	112⅜ 13	112 12⅛	112	..
London & North-Wstrn.	96 5⅞	95⅞	95⅞	95⅞ ⅜	95⅞	95⅞
London & South-Westrn.	96 5⅛	95⅞	95⅞	95⅛ ⅜	95⅛ ⅛	95⅛
Man. Sheff. & Lincoln	..	34⅞	35⅛ 5	..	..	..
Midland	106	105⅞ 6	105⅞ 6	106	105⅞	105⅛ ⅜
Ditto Birm. & Derby	..	..	..	..	..	..
Norfolk	..	..	..	..	..	56
North British	59⅞ 60	..	59⅛ ⅜	..	59⅜	..
North-Eastern (Brwck.)	90⅛	90 89⅞	89⅛	90 89⅜	89⅜	89⅛
Ditto Leeds	46⅛	..	46⅛	46⅛	..	46⅛
Ditto York	74⅛ ⅛	74 3⅛	73⅛	73⅛ 4	73⅛	73⅛
North London	..	..	..	106 5⅛	..	..
Oxford, Worc. & Wolver.	34⅛	34	..	33⅛	..	..
Scottish Central	..	..	..	..	..	..
Scot. N.E. Aberdeen Stk.	..	..	..	..	..	26
Do. Scotsh. Mid. Stk.	..	..	..	..	..	..
Shropshire Union	..	46	..	..	..	..
South Devon	47	..	..	47⅛ 6⅛	46	45⅛
South-Eastern	97⅛ ⅛	77⅛ 7	76⅜	76⅛	76⅛ ⅛	76⅛ ⅛
South Wales	73⅛	..	72 ⅛	73⅛ ⅛	72 ⅛	..
Vale of Neath	..	..	..	..	..	..

London Gazettes.

Professional Partnerships Dissolved.

Tuesday, *Oct.* 25, 1859.

Slater, Francis, & Alfred Anstie, Attorneys & Solicitors, 23 Great Tower-st. (Slater & Anstie). Oct. 21.

Friday, *Oct.* 28, 1859.

Carnsew, Henry, & George James Eady, Attorneys & Solicitors, 41 Parliament-st. Oct. 25.

Comfort, Michael, & William Gregson, Attorneys & Solicitors, Rochford, Essex. Oct. 26.

Commissioner for Administering Oaths in Common Law.

Friday, *Oct.* 28, 1859.

Oldershaw, Robert Piggott, Gent., 18 King's Arms-yard, Moorgate-st.

Creditors under 22 & 23 Vict. cap. 35.

Last Day of Claim.

Tuesday, *Oct.* 25, 1859.

Videan, Joseph, Farmer, Moldash, Kent (who died on Feb. 19, 1859). Wightwick & Kingsford, Solicitors, 16 Watling-st. Nov. 30.

Friday, *Oct.* 28, 1859.

Filmer, Matthew, Pawnbroker, Old Kent-rd., Surrey (who died on or about June 5, 1859). Reeve & Mayhew, Solicitors, 10 Tokenhouse-chambers, Lothbury; or Gadsden & Flower, Solicitors, 28 Bedford-row. Dec. 1.

Filmer, Elizabeth Dimery, Widow, Old Kent-rd., Surrey (who died on or about Aug. 20, 1859). Reeve & Mayhew, Solicitors, 10 Tokenhouse-chambers, Lothbury; or Gadsden & Flower, Solicitors, 28 Bedford-row. Dec. 1.

Gemmer, George Frederic, Merchant, Mealmain, East Indies (who died on Mar. 18, 1859). Clarke & Morice, Solicitors, 29 Coleman-st. Nov. 30.

Creditor under Estates in Chancery.

Last Day of Proof.

Friday, *Oct.* 28, 1859.

Nicholson, John Horwood, Hide Merchant, Liverpool, and Little Brighton, Lancashire (who died in or about the month of Sept. last). Kate Eleanor Nicholson & John Newton, r. Wilson, Registrar of the Liverpool District. Nov. 25.

Winding-up of Joint Stock Company.

Limited, in Bankruptcy.

Tuesday, *Oct.* 25, 1859.

Mandale Mining Company.—Master of the Rolls, on Nov. 3, at 1, to settle the List of Contributories.

Assignments for Benefit of Creditors.

Tuesday, *Oct.* 25, 1859.

Collins, Edward, Brewer, Southwick, Sussex. Oct. 8. *Trustees*, C. Wren, Auctioneer, Duke-st., Brighton; J. Rooke, Builder, Southwick. *Sols.* Penfold & Son, Brighton.

Cross, Samuel, Gasfitter, Wellesley-pl., White Ladies-rd., Clifton. Oct. 11. *Trustees*, J. T. Southey, General Factor, Phippen-st.; F. I. Crossley, Photographic Artist, Union-st. *Sol.* Hill, Bristol.

Darnell, Thomas Sarre, Farmer, Great Paxton, Huntingdonshire. Oct. 11. *Trustees*, T. Elgood, Merchant, St. Neots; S. Day, Butcher, St. Neots. Creditors to execute before Nov. 11. *Sols.* Wilkinson & Butler, St. Neots.

Davies, William, Gent., Salcome Regis, Devonshire. Oct. 3. *Trustees*, R. Searle, Brewer, Sidmouth; J. Pothury, Coal Merchant, Sidmouth. *Sol.* Radford, Sidmouth.

Hannay, Alexander Dixon, Draper, Blackburn. Sept. 30. *Trustee*, W. Shaw, Merchant, Manchester. *Sols.* Boote & Jellicorse, Manchester.

Winsor, Alfred, Grocer, Ringmer, Sussex. Oct. 14. *Trustees*, C. S. Hannington, Linendraper, Brighton; H. Jeffery, Grocer, 177 High-st., Lewes. *Sols.* Penfold & Son, Brighton.

Friday, *Oct.* 28, 1859.

Bicker, William, Grocer, Bildeston, Suffolk. Oct. 15. *Trustees*, F. Whitstock, Accountant, Woodbridge; S. Wainwright, Grocer, Ipswich; T. Gray, Draper, Ipswich. *Sols.* A. & H. Cobbold & Yarrington, Ipswich.

Bishop, Philip, Saddler, Bere Regis, Dorsetshire. Oct. 20. *Trustees*, J. Knowles, Innkeeper, Bere Regis; G. Beer, Currier, Wareham. *Sol.* Marshfield, Wareham.

Brooke, Thomas Marsden, Chemist, Dewsbury. Sept. 29. *Trustees*, J. Beaumont, Tobacco Manufacturer, Huddersfield; J. Walker, Bank Manager, Dewsbury; W. Senior, Printer, Dewsbury. *Sol.* Chadwick, Dewsbury.

Brown, Thomas William (T. W. Brown & Co.), Merchant, Kingston-upon-Hull. Oct. 3. *Trustees*, T. James, Merchant, Horncastle; W. Wilkinson, Surgeon, Barton-upon-Humber; J. Bladworth, Gentleman, Stainforth, Yorkshire. *Sols.* Sharp, Kingston-upon-Hull; Galloway, Kingston-upon-Hull; Copeland, Liverpool; Earnshaw, Kingston-upon-Hull; England & Saxelbye, Hull.

Chamberlain, Frederick, Wine Merchant, Worcestershire. Oct. 10. *Trustee*, G. Chamberlain, Gentleman, Battenhall, Worcestershire. Creditors to execute before Jan. 10. *Sol.* Bentley, Worcester.

Chapman, Joseph, China Dealer, Scarborough. Oct. 20. *Trustees*, E. J. Ridgeway, and W. Brownfield, Earthenware Manufacturers, Hanley-in-the-Potteries. Creditors to execute before Jan. 1. *Sols.* Bishop, Shelton; Donner & Woodall, Scarborough.

Dunn, Frederick, Shoemaker, Andover. Sept. 29. *Trustee*, R. Milburn, Warehouseman, Newgate-st. *Sol.* Mardon, 99 Newgate-st.

Goldsmith, Joseph Horatio, Clerk, Inkerman-ter., Whitehaven. Oct. 22. *Trustees*, G. Buckham, Gent., Whitehaven; T. Wilson, Slater, Whitehaven. *Sol.* Atkinson, Whitehaven.

Griffiths, John, Milliner, 71 Lisson-grove North. Oct. 6. *Trustee*, E. Lloyd, Linen Draper, High-st., Shoreditch. *Sols.* Lepard & Gammon, 9 Cloak-lane.

Hancock, Thomas, Miller, Olivers Mills, Painswick, Gloucestershire. Oct. 21. *Trustee*, W. C. Lucy, Corn Merchant, Gloucester. *Sol.* Matthews, Gloucester.

Hawkins, Roger George, Miller, Hankelow Mill, Chester. Oct. 20. *Trustee*, E. Drakeford, Corn Merchant, 12 Brunswick-st., Liverpool. *Sol.* Bellyse, Audlem.

Le Butt, Hobson Wright, Shoe Manufacturer, Northampton. Sept. 13.

Trustee, J. Wetherell, Leather Merchant, Northampton. *Sol.* Becke, Northampton.

TOWNSEND, WRIGHT, Mill Furnisher, Bradford. Oct. 4. *Trustees*, W. Kay, Woolstapler, Bradford; H. Kershaw, Worsted Spinner, Laister Dyke, Bradford. *Sol.* Wood, Bradford.

TURNER, ASHTON, Provision Dealer, Chesterfield. Oct. 17. *Trustee*, C. Tooth, Brewer, Burton-on-Trent. Creditors to execute on or before Jan. 17. *Sol.* Gratton, Chesterfield.

WEBSTER, THOMAS, Druggist, Hagsthorpe, Lincolnshire. Oct. 24. *Trustee*, J. Dymoke, Druggist, Lincoln. *Sol.* Carline, Lincoln.

WILSON, JAMES, China and Glass Dealer, Maidenhead-st., Hertford. Oct. 24. *Trustee*, S. Neale, Fore-st., Hertford. *Sol.* Foster, Hertford.

Bankrupts.

TUESDAY, *Oct.* 25, 1859.

BAXTER, WILLIAM ROBERT, & FREDERICK GEORGE BAXTER, Curriers, Constitution-hill, Birmingham (Baxter Brothers). *Com.* Sanders: Nov. 7, and Dec. 5, at 11; Birmingham. *Off. Ass.* Kinnear. *Sol.* East, Birmingham. *Pet.* Oct. 21.

BIAGGINI, EDWARD WILLIAM, Warehouseman, 10 Huggin-lane (E. Biaggini & Co.) *Com.* Holroyd: Nov. 5, at 12; and Dec. 6, at 1.30; Basinghall-st. *Off. Ass.* Lee. *Sols.* Clarke & Carter, 49 Moorgate-st. *Pet.* Oct. 19.

D'ARCY, WILLIAM ARTHUR, Dealer in Horses, 27 Alpha-rd., Regent's-pk. *Com.* Evans: Nov. 3, at 11; and Dec. 8, at 12; Basinghall-st. *Off. Ass.* Bell. *Sols.* Lawrance, Pleus, & Boyer, Old Jewry-chambers. *Pet.* Oct. 21.

ELLIS, JOHN, Victualler, Nottingham. *Com.* Sanders: Nov. 4, and Dec. 6, at 11.30; Nottingham. *Off. Ass.* Harris. *Sols.* Cowley & Everall, Nottingham. *Pet.* Oct. 20.

GOODE, WILLIAM, jun., Cattle Dealer, Great Bowden, Leicestershire. *Com.* Sanders: Nov. 5 & 25, at 11; Birmingham. *Off. Ass.* Kinnear. *Sols.* James & Knight, Birmingham; or Rawlins, Market Harborough. *Pet.* Oct. 17.

HAWKEN, JOHN, jun., Merchant, Padstow, Cornwall. *Com.* Andrews: Nov. 8 & 30, at 12; Exeter. *Off. Ass.* Hirtzel. *Sols.* Whitford & Son, St. Columb; or Bishop & Pitts, Exeter. *Pet.* Oct. 14.

MACHIN, WILLIAM, Merchant, Barnsley. *Com.* Sanders: Nov. 5 & 24, at 11; Birmingham. *Off. Ass.* Kinnear. *Sols.* Smith, Birmingham; or Twigg, Barnsley. *Pet.* Oct. 24.

MORGAN, JOSEPH CHARLES, Builder, 16 Ann's-ter., Cambridge-heath, Hackney. *Com.* Holroyd: Nov. 8, at 2.30; and Dec. 13, at 12; Basinghall-st. *Off. Ass.* Edwards. *Sol.* Dalton, 3 Bucklersbury. *Pet.* Oct. 21.

PAINE, ALEXANDER, Poulterer, 10 Grove-ter., Bayswater. *Com.* Holroyd: Nov. 8, and Dec. 6, at 2; Basinghall-st. *Off. Ass.* Lee. *Sols.* Clarke & Carter, 49 Moorgate-st. *Pet.* Oct. 21.

FRIDAY, *Oct.* 28, 1859.

ARTHUR, WILLIAM, Draper, Leicester. *Com.* Sanders: Nov. 15 and Dec. 6, at 11.30; Nottingham. *Off. Ass.* Harris. *Sols.* Cowley & Everall, Nottingham. *Pet.* Oct. 19.

BROWN, ROBERT, Maltster, Great Driffield, Yorkshire. *Com.* Ayrton: Nov. 9 and Dec. 14, at 12; Kingston-upon-Hull. *Off. Ass.* Carrick. *Sols.* England & Saxelbye, Kingston-upon-Hull. *Pet.* Oct. 26.

DAVIDSON, SAMUEL, & ADOLPH KANTER (Davidson, Pfahl, & Co.), Importers of Foreign Merchandise, 14a St. Mary Axe. *Com.* Evans: Nov. 10, at 11, and Dec. 8, at 1; Basinghall-st. *Off. Ass.* Johnson. *Sol.* Wellborne, Duke-st., London-bridge. *Pet.* Oct. 18.

FREEMAN, GEORGE, & HENRY BENTLEY WRIXON (G. D. Alderson & Co.), Lead Merchants, Blenheim-st., Oxford-st. *Com.* Evans: Nov. 11, at 11.30; and Dec. 15, at 12; Basinghall-st. *Off. Ass.* Johnson. *Sols.* Sole, Turner, & Turner, Aldermanbury. *Pet.* Oct. 24.

GRAY, WILLIAM, Grocer, Ipswich. *Com.* Fane: Nov. 11, at 2; and Dec. 9, at 11; Basinghall-st. *Off. Ass.* Whitmore. *Sol.* Jones, Colchester. *Pet.* Oct. 24.

JACKSON, THOMAS, Contractor, 10 Cannon-st. *Com.* Holroyd: Nov. 15, at 1.30; and Dec. 16, at 11; Basinghall-st. *Off. Ass.* Lee. *Sol.* Crowdy, 17 Sergeant's-inn. *Pet. srv.* Sept. 20.

MOORE, WILLIAM, Shoe Manufacturer, Leicester and Ansty. *Com.* Sanders: Nov. 15, and Dec. 6, at 11.30; Nottingham. *Off. Ass.* Harris. *Sols.* Cowley & Everall, Nottingham. *Pet.* Oct. 21.

SCRIBBIN, WILLIAM JOHN, Butcher, Plymouth. *Com.* Andrews: Nov. 14, and Dec. 12, at 1; Plymouth. *Off. Ass.* Hirtzel. *Sol.* Edmunds & Sons, Plymouth. *Pet.* Oct. 24.

SMITH, JOHN HENRY, & WILLIAM RANDELL SMITH, Victuallers, Bristol. *Com.* Hill: Nov. 7, and Dec. 12, at 11; Bristol. *Off. Ass.* Miller. *Sol.* Henderson, Bristol. *Pet.* Oct. 19.

MEETINGS FOR PROOF OF DEBTS.

TUESDAY, *Oct.* 25, 1859.

ALEXANDER, FRANCIS, Auctioneer, Chippenham. Nov. 17, at 11; Bristol.

BERGTHEIL, JOHN, otherwise JONAS, Merchant, 33 Abchurch-lane, late of 2 Winchester-bldgs. (Bergheil & Jung), and of Natal, Africa, surviving partner of the firm of P. J. Jung & Co.) Nov. 16, at 1; Basinghall-st.

FRIPP, SAMUEL CHARLES, Boarding-house Keeper, Meridian-pl., Bristol. Dec. 1, at 11; Bristol.

GARRATT, SAMUEL, Contractor, Penrhyn-wharf, Penryn. Nov. 30, at 12; Exeter.

GRAHAM, WALTER, Draper, Brookhouse-fields, Blackburn. Nov. 15, at 12; Manchester.

GRAY, ALEXANDER GEORGE, Alkali Manufacturer, Friars Goose Alkali Works, Gateshead (Gray & Crow). Nov. 17, at 12; Newcastle-upon-Tyne.

HOLLANDER, LOUIS ADOLPHE, Diamond Merchant, Winchester-st., London, and of Clapham-rise, Surrey. Nov. 16, at 11.30; Basinghall-st.

HUBBARD, JOHN ROTHERY, Wool Merchant, Leeds. Nov. 15, at 11; Leeds.

MARCHANT, ALFRED, Clothier, Maidstone. Nov. 16, at 11; Basinghall-st.

M'IVEYER, JAMES, Draper, Merthyr Tydvil. Nov. 17, at 11; Bristol.

MORTON, JOHN HENRY, Grocer, Maidstone, copartner in trade with Thomas Poolly, Coke Manufacturer, Maidstone. Nov. 16, at 12; Basinghall-st.

SHAW, JAMES, Cotton Doubler, Huddersfield. Nov. 15, at 11; Leeds.

STEER, JOHN, Clothier, Little Tower-hill. Nov. 15, at 12; Basinghall-st.

FRIDAY, *Oct.* 28, 1859.

FITCHETT, RICHARD THOMAS, Tailor, 4 Hanover-st., Hanover-sq. Nov. 18, at 1; Basinghall-st.

HINCHLIFFE, ABEL, Printer, Sheffield. Nov. 19, at 10; Sheffield.

LYONS, JOHN, Steel Manufacturer, Sheffield. Nov. 19, at 10; Leeds.

NIX, HENRY, Miller, Werrington, Northamptonshire. Nov. 19, at 11; Basinghall-st.

CERTIFICATES.

To be ALLOWED, *unless Notice be given, and Cause shown on Day of Meeting.*

TUESDAY, *Oct.* 25, 1859.

BAGSHAW, JOHN, Lodging-house Keeper, Dovercourt, Harwich. Nov. 16, at 12; Basinghall-st.

COMBETT, GEORGE, Cattle Salesman, Shotteswell, Warwickshire. Nov. 23, at 11; Birmingham.

EDWARDS, CHARLES, Builder, Roath & Cardiff. Nov. 22, at 11; Bristol.

GREEN, JOHN, Newspaper Proprietor, Birkenhead. Nov. 17, at 12; Liverpool.

GUBB, WILLIAM, Ironmonger, Fore-st., Topsham. Nov. 23, at 12; Exeter.

HAMILTON, JOHN WATSON, Share Broker, Birmingham. Nov. 17, at 11; Birmingham.

HARRIS, JOSIAH, Coal Merchant, Highweek, Devonshire. Nov. 23, at 12; Exeter.

HINCHLIFFE, ABEL, Printer, Sheffield. Nov. 19, at 10; Sheffield.

HORNBY, HORATIO NELSON, Common Carrier, 13 Little Tower-st., and Nine Elms, Vauxhall. Nov. 16, at 1; Basinghall-st.

MALLAM, CHARLES EDWARD, Innkeeper, Tunbridge Wells. Nov. 16, at 12; Basinghall-st.

NEWTON, JAMES, Hop Merchant formerly of 97 High-st., Southwark, now of 9 Grosvenor-park South, Camberwell. Nov. 17, at 1; Basinghall-st.

ORMROD, ELI, & RICHARD ROBERTS, Commission Agents, Manchester (Eli Ormrod & Co.) Nov. 15, at 12;

SMITH, ROBERT, Iron & Brass Founder, Swaffham, Norfolk. Nov. 16, at 12.30; Basinghall-st.

WRIGHT, JOHN THOMAS, Upholsterer, 44 Waterloo-st., Hove, Brighton. Nov. 15, at 12.30; Basinghall-st.

YOUNG, THOMAS, Licensed Victualler, 73 Wapping-wall. Nov. 15, at 2; Basinghall-st.

FRIDAY, *Oct.* 28, 1859.

COLLEN, GEORGE, Plumber, Stowmarket, Suffolk. Nov. 18, at 12; Basinghall-st.

LYONS, JOHN, Steel Manufacturer, Sheffield. Nov. 19, at 10; Sheffield.

OXLEY, JOHN, Scrivener, Rotherham, now a prisoner for debt. Nov. 19. 10; Sheffield.

To be DELIVERED, *unless* APPEAL *be duly entered.*

TUESDAY, *Oct.* 25, 1859.

DEMETRIADI, DEMETRIUS PIETRO, Merchant, Manchester, in copartnership with Pietro Demetriadi, Panayoti Demetriadi, & Panayoti Couriali, of Constantinople, at Manchester, under the firm of D. P. Demetriadi & Co., and at Constantinople, under the firm of P. Demetriadi & Sons. Oct. 19, 3rd class; suspended for 2 years.

ORGILL, FRANCIS, Maltster, Loughborough, Oct. 18, 2nd class.

REA, ROBERT DAVIS, Horse Dealer, St. George's-rd., Southwark. Oct. 18, 2nd class.

SMITH, KIRKMAN, Stone Mason, New-cross (Smith & Co.) Oct. 20, 3rd class.

WHITE, ELIZABETH, Schoolmistress, Ellerslie House, Lewisham, in partnership with Fanny Everest, as Vendors of Musical Works, formerly of 29, and now of 33 Soho-sq. Oct. 20, 1st class.

FRIDAY, *Oct.* 28, 1859.

BARBER, ROBERT, Cowkeeper, Little Bentley, Essex. Oct. 21, 1st class.

BARRACK, JAMES, Hotel Keeper, Cockspur-st., and Spring Gardens. Oct. 21, 1st class.

BOWACK, WILLIAM, Builder, 93 Paul-st., Finsbury, and of Seven Sisters-rd., Holloway. Oct. 21, 2nd class.

CLARE, CUTHBERT ANTHONY, Foreign Warehouseman, 70 Newgate-st., and 6 Slater-st., Liverpool (C. Clark & Co.) Oct. 26, 3rd class, to be suspended for 12 months.

COLES, JOHN, Baker, Radway, Warwickshire. Oct. 19, 3rd class.

GLADWELL, HENRY WILLIAM, Manufacturer, 11 Poultry. Oct. 21, 2nd class.

HARRIS, ABRAHAM, Tobacconist, 1 Railway-place, Shoreditch, and 1a Bridge-road, Lambeth. Oct. 22, 3rd class.

KENT, MARY (widow), Boarding School Keeper, 13 Upper Phillimore-place, Kensington. Oct. 20, 1st class.

POWELL, JAMES, Draper, 13 Middle-row, Knightsbridge. Oct. 22, 2nd class.

SADGROVE, WILLIAM, jun., and RICHARD RAGG, Cabinet Makers, Eldon-street, Finsbury, and Dunning's-alley, Bishopsgate-street (Sadgrove & Ragg). Oct. 20, 3rd class.

TITCHMARSH, CHARLES, Farmer, Wimpole, Cambridgeshire. Oct. 23, 1st class.

TURNER, WILLIAM HENRY, Draper, 69, 70, & 89 Bishopsgate-street Without. Oct. 19, 2nd class.

Scotch Sequestrations.

TUESDAY, *Oct.* 25, 1859.

HOOD, ALEXANDER, Baker, Baron Taylor's-lane, Inverness, now deceased. Oct. 29, at 1; Mac'kie's Railway Station-hotel, Inverness. *Seq.* Oct. 20.

LAWSON, JOHN, Merchant, Bigger. Nov. 1, at 3; Clydesdale-hotel, Lanark. *Seq.* Oct. 19.

MACDOUGALL, JOHN, Farmer, Barnaback & Ardmore, Island of Kerrera, now deceased. Oct. 29, at 2; Argyle-inn, Inverary. *Seq.* Oct. 20.

SHIACH, DAVID, Grocer, Elgin. Nov. 4, at 1; Gordon Arms-hotel, Elgin. *Seq.* Oct. 22.

TURNER, JAMES, Farmer, Bishopclench, afterwards of Lockerbie. Nov. 3, at 2; King's Arms-hotel, Dumfries. *Seq.* Oct. 22.

FRIDAY, *Oct.* 28, 1859.

BENNETT, D. & A., Grocer, Glasgow. Nov. 3, at 1; Faculty Hall, Glasgow. *Seq.* Oct. 22.

ROGERS, JOHN, Solicitor, Edinburgh. Nov. 3, at 12; Dowell's & Lyon's Rooms, 16 George-st., Edinburgh. *Seq.* Oct. 25.

SHIACH, DAVID, Grocer, Elgin. Nov. 4, at 1; Gordon Arms-hotel, Elgin. *Seq.* Oct. 22.